

**CEQA FINDINGS OF FACT REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE MALIBU INSTITUTE PROJECT**

STATE CLEARINGHOUSE NO. 2012111068

**COUNTY PROJECT NO. TR071735
VESTING TENTATIVE TRACT MAP NO. 071735
CONDITIONAL USE PERMIT NO. 201100122
PARKING PERMIT NO. 201100005
ENVIRONMENTAL REVIEW NO. 201100192**

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012**

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SECTION 1.0 INTRODUCTION

The County of Los Angeles (County) Regional Planning Commission (Commission) hereby certifies and finds the Malibu Institute Project (Project) Final Environmental Impact Report (Final EIR), State Clearinghouse Number 2012111068, has been completed in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.*, CEQA) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*, CEQA Guidelines). The Project Final EIR consists of the following documents: (1) December 2013 Draft Environmental Impact Report (Draft EIR) including Technical Appendices to the Draft EIR; and (2) March 2014 Final EIR, which includes Responses to Comments, Corrections and Additions to the Draft EIR, Final EIR Appendices, and the Mitigation Monitoring and Reporting Program (MMRP).

The Commission hereby further certifies it received, reviewed, and considered the information contained in the following: (i) the Final EIR; (ii) the applications for Vesting Tentative Tract Map No. 071735, Conditional Use Permit No 201100122, and Parking Permit No. 201100005; and (iii) all hearings and submissions of testimony from County officials and departments, the Applicant (as defined below), the public, other public agencies, community groups, and organizations. Concurrently with the adoption of these findings, the Commission adopts a Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Attachment A.

Having received, reviewed, and considered the foregoing information, as well as any and all information in the administrative record and the record of proceedings, the Commission hereby makes the following findings pursuant to and in accordance with Public Resources Code Section 21081 and CEQA Guidelines Sections 15090 and 15091:

1.1 PROJECT DESCRIPTION

1.1.1 PROJECT LOCATION

The Project site is located at 901 Encinal Canyon Road, within the unincorporated Malibu area of Los Angeles County. Regionally, the site is located in the western portion of the Santa Monica Mountains approximately forty-five miles west of downtown Los Angeles. Locally, the Project site is situated northwest of the City of Malibu, and south of the Cities of Agoura Hills, Calabasas, Thousand Oaks, and Westlake Village in a rural area of the Santa Monica Mountains lying south of the primary east-west ridgeline. Portions of the site located south of Mulholland Highway also fall within the Coastal Zone as defined by the California Coastal Act. Adjacent land uses are primarily undeveloped private and public lands, much of which is open space, with some large lot rural residential development along the northern and western boundaries. Youth detention facilities operated by the Los Angeles County Probation Department (Camp Miller and Camp Kilpatrick) are located to the east of the Project site.

The Project site is comprised of an irregularly shaped assemblage of 29 parcels that total approximately 650 acres, spanning from Encinal Canyon Road on the south to the intersection of Mulholland Drive and Westlake Boulevard on the north. Development of the Project would occur only on six of the 29 parcels that make up the Project site, and would include APNs 4471-001-034, -035, 4471-002-010, -011, 4471-021-034, and 4471-003-030. As part of the Project, the existing 29 parcels would be consolidated into 7 lots of a tract map with 5 of those lots (approximately 456 acres) being dedicated as permanent open space. The majority of the Project site is zoned R-R-1 (Resort and Recreation), with the portions to the north, east, southeast, and south on the periphery of the Project site zoned either A-1-1 (Light Agriculture – 1 acre minimum lot size) or A-1-20 (Light Agriculture – 20 acres minimum lot size). Small portions of

the Project site north of Mulholland Drive and the northeast area of the Project site are zoned RPD-5-0.2U-DP (Residential Planned Development – 5 acres minimum lot size – 0.2 dwelling units per acre – Development Program).

As mapped on the “Point Dume” USGS 7.5 minute topographic quadrangle (in portions of Sections 2, 3 10, 11 and 15, of T.1S, R.19W), the majority of the Project site falls within the upper watershed area of Trancas Canyon with the exception of a small, northerly extension of the Project site that spans the drainage divide and falls into the upper watershed of an unnamed tributary to the Carlisle Canyon watershed. Topographically, the proposed development area is situated in a bowl created by the crest of the Upper Trancas Canyon drainage basin. The onsite topography ranges in elevation from peaks that reach 1,900 feet to 2,300 feet above mean sea level (MSL) in the northeast and northwest, to valley bottom elevations that fall to approximately 1,300 feet above MSL. To the southeast, adjacent mountain ridges range from 1,400 feet to 1,900 feet above MSL. Landforms southwest of the site have gentler slopes and range from 1,400 feet to 1,700 feet above MSL. The overall elevation differences between the Project site and the surrounding mountains generally contribute to the formation of a centralized water drainage pattern with branching tributaries.

Existing development on the site consists of the Malibu Golf Club, constructed in the early 1970s, consisting of an 18-hole public golf course with supporting amenities, two surface parking lots, and associated driveways, all located in the central and southern regions of the Project site. The site also consists of an approximately 875 square-foot caretaker’s residence and a 4,160 square-foot abandoned residence in the northern regions of the Project site.

1.1.2 PROJECT SUMMARY

The Malibu Institute (Applicant) proposes to create a sports-oriented educational retreat affiliated with the University of Southern California to complement a remodeled 18-hole golf course on a 650-acre property currently operated as the Malibu Golf Club in the unincorporated Malibu area of Los Angeles County. In total, the Project proposes to construct a combined 224,760 square feet of structures, which would include the reuse of the building footprint of the existing 12,475 square foot clubhouse and cart barn as part of the Institute building and the removal of 11,160 square feet of existing structures (including the abandoned residence in the northern portion of the Project site), for a total net increase of 201,125 square feet of structures on the Project site. An existing approximately 875 square-foot caretaker’s residence located on the northern portion of the Project site would be retained by the Project. The reconfigured 18-hole golf course would be redesigned using the acreage of 17 of the existing holes on the golf course, allowing the proposed facilities, including the redesigned golf course, to be constructed within previously disturbed areas. The Project would conserve over 450 acres of native coastal scrub, chaparral, and oak woodland forest as permanently dedicated open space.

The proposed buildings and accommodations would incorporate sustainable design features with the goal of achieving LEED™ Platinum certification (or equivalent) for all buildings on the Project site. Design features also would include green (vegetative) roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, charging stations for electric vehicles, the use of highly-efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping, and the use of a shuttle van or bus service for larger groups visiting the Project. Water conservation and design features would include low flow/ultra low-flow fixtures, energy star appliances, and the use of drip irrigation systems. The Project would use photovoltaic panels over shade structures in the expanded surface parking area to generate most of the energy needs for the Project and would replace existing outdoor overhead parking lot lighting, with lighting complying with Dark Skies initiatives and the County’s Rural Outdoor Lighting District Ordinance. The Project would also replace existing septic tanks throughout the

Project site with an onsite wastewater treatment and water recycling system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

The Project would remodel the existing 18-hole public golf course using an environmentally sensitive design, including replacement of over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material to allow infiltration of storm water and improve water quality. The remodeled golf course would have a reduced turf area and utilize a more efficient irrigation system with new turf grasses selected to require less water for maintenance. Additionally, the Project would remove many non-native trees, including palm trees, which were introduced with development of the existing golf course, and provide landscaping with native, drought-tolerant species. These measures would reduce water consumption for irrigation of the golf course by approximately 32 percent.

Grading for buildout of the Project would occur within previously disturbed areas and would require approximately 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced onsite. No soil import or export is proposed. Project construction activities are expected to take place over a 24-month period, during which time the existing golf facilities will be closed.

Operational Summary

The Malibu Institute would provide meeting rooms and classroom facilities within a 48,164-square foot conference building, with an emphasis on supporting research and educational programming related to the study of professional sports as a business, as well as competition aspects of various sports careers. The facilities would provide a location for academics that focus their studies in this field to meet with owners, players, and staff associated with various professional sports organizations. Programming for these activities would consist of educational conferences, seminars, and lectures, and would be available for use by educational institutions and other organizations including charitable foundations. This facility could also host non-sports related seminars, banquets, or receptions. USC would participate in collaboration with the Malibu Institute on research projects, academic conferences and symposia, and would offer advice on development of a professional and/or continuing education curriculum. In addition to the educational facilities, the Malibu Institute conference building would include a cafeteria and lounge area. The Project would operate the proposed facilities year-round, and although the overall Project would operate 24 hours per day by providing overnight accommodations onsite, meetings and seminars held in the Malibu Institute conference building would take place predominantly during regular business hours.

The Project would provide overnight guest accommodations in 40 bungalow units to be constructed in 37 individual structures. The bungalow structures would generally be two-story designs (four would be single-story), with floor areas that range from 2,610 square feet to 2,885 square feet for those housing single bungalows, and 5,310 square feet for three structures that would consist of two bungalow units. Each bungalow would include four private bedroom/bathroom facilities and a common dining and lounging area, for a total of 160 beds provided onsite. The bungalows would not contain kitchens. As an amenity for overnight guests, the Project would include a swimming pool with an associated restroom/changing room.

A golf-oriented clubhouse would be constructed in a 30,147-square foot building providing a dining facility, lounge, fitness center, spa, and locker rooms. While the clubhouse would be open to golfers and other day-use visitors of the site, this facility would provide overnight guests with dining and fitness amenities that would otherwise require leaving the site to access.

A golf pro-shop and grill would provide retail space for golf-related merchandise, a snack bar, and indoor computerized driving range bays within a 12,104-square foot building. This facility would serve golfers that are day-use visitors of the site as well as overnight guests of the Malibu Institute.

Other proposed facilities would be provided to support the Institute and golf course operations. These would include a 9,162-square foot golf cart storage building, a 4,623-square foot warehouse to store supplies, a 10,500-square foot maintenance building, and a 120-square foot security/information building.

The remodeled golf course would continue to offer an 18-hole public-use course, which would be available to day-use visitors of the site as well as overnight guests of the Project. The golf course would continue to provide a practice facility for area high school and university golf programs that currently use the existing Malibu Golf Club for that purpose.

1.1.3 DISCRETIONARY ACTIONS

The Malibu Institute Project requires the following discretionary approvals by the County of Los Angeles and other public agencies, as described below, to be implemented:

Vesting Tentative Tract Map

Vesting Tentative Tract Map No. 071735 to reconfigure lot lines of 29 existing lots to create a total of seven lots over the 650-acre Project site with two lots containing the Project development and five lots dedicated as permanent open space, including the caretaker's residence.

Conditional Use Permit

The Applicant is requesting a Conditional Use Permit No. 201100122 to authorize the following: (1) development of the Malibu Institute project and operation of a sports-oriented educational retreat facility on a 650-acre Project site containing an 18-hole golf course, educational and meeting facilities with a cafeteria and lounge, overnight visitor-serving accommodations for a maximum of 320 guests, a clubhouse with a restaurant/lounge and fitness/wellness center, an outdoor pool with associated shower/changing room, warehouse, a cart storage building, a pro shop, and a maintenance building; (2) the continued sale of alcoholic beverages for onsite consumption; (3) onsite accessory live entertainment in the clubhouse and conference facility; (4) onsite grading of 120,000 cubic yards of cut and 120,000 cubic yards of fill, which would be balanced onsite with no import or export of fill material; (5) the relocation of a helipad in the R-R zone for emergency use by LACFD; and (6) the continued use of a caretaker's residence in the R-R zone.

Parking Permit

The Applicant is requesting a parking permit to authorize shared use of 387 parking spaces for guests, visitors, and employees associated with proposed development on two lots within the Project boundary.

Coastal Development Permit

The Applicant is requesting a Coastal Development Permit from the California Coastal Commission or the County (in the event the California Coastal Commission certifies the proposed Santa Monica Local Coastal Program) for development of the Project in the California Coastal Zone.

Local Agency Formation Commission (LAFCO) Annexation

The Applicant is requesting approval of annexation into the Ventura Regional Sanitation District by the Ventura County LAFCO and/or the Los Angeles County LAFCO.

United States Army Corps of Engineers (ACOE) Clean Water Act Permit

The Applicant is requesting issuance of an ACOE Permit pursuant to Clean Water Act Section 404 to drain and clean out the basins of the onsite water retention ponds in the golf course to eradicate the non-native aquatic species population in the ponds and to improve water quality leaving the Project site.

California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement

The Applicant is requesting issuance of a Streambed Alteration Agreement from the CDFW pursuant to the Fish and Game Code Section 1603 to drain and clean out the basins of the onsite water retention ponds in the golf course to eradicate the non-native aquatic species population in the ponds and to improve water quality leaving the Project site.

Regional Water Quality Control Board (RWQCB) Water Quality Certification

The Applicant is requesting issuance of a Water Quality Certification from the RWQCB pursuant to Clean Water Act Section 401 to drain and clean out the basins of the onsite water retention ponds in the golf course to eradicate the non-native aquatic species population in the ponds and to improve water quality leaving the Project site.

Waste Discharge Requirements and Waste Reclamation Requirements

The Applicant is requesting issuance of Waste Discharge Requirements and Waste Reclamation Requirements from the RWQCB for operation of an onsite wastewater system.

Fuel Modification Plan Approval

The Applicant is requesting approval of a Fuel Modification Plan by the Los Angeles County Fire Department.

1.1.4 PROJECT OBJECTIVES

CEQA Guidelines Section 15124(b) requires the Project Description to contain “a statement of the objectives sought by the proposed project,” which “should include the underlying purpose of the project.” The underlying purpose of the Project is to provide an environmentally sustainable golf course and sports-oriented educational retreat of superior quality and design within the Santa Monica Mountains. The following is a list of the objectives and goals of the Project:

- Establish a financially viable sports-oriented educational retreat, which provides educational, research, and employment opportunities, and invigorates the local economy of unincorporated western Los Angeles County.
- Provide a comfortable, relaxing, and inspiring environment in which educational institutions, governmental organizations, non-governmental organizations, business leaders, and the public can conduct meetings and conferences.
- Provide visitor-serving overnight accommodations within individual bungalow units that would include common areas within each unit to provide a casual meeting space for discussion or study groups of Project guests that would be attending conferences or onsite functions together.

- Introduce a pattern of land uses compatible with existing environmental resources and community character while improving the social, environmental and economic well-being of overnight guests, visitors, and the community.
- Incorporate sustainable and green design features with the goal of achieving LEED™ Platinum certification (or equivalent) for all new buildings on the Project site.
- Protect environmentally-sensitive native plant and animal species by dedicating open space areas on the Project site that contain sensitive and native habitat.
- Preserve and enhance the scenic beauty of the Santa Monica Mountains.
- Protect and expand access to open space recreational opportunities and resources, including incorporation of sustainable visitor-serving accommodations, which would be available for visitors of the Santa Monica Mountains National Recreation Area.
- Protect a unique public recreational resource of unincorporated western Los Angeles County consisting of an 18-hole golf course located within the Santa Monica Mountains and in the vicinity of the Santa Monica Mountains National Recreation Area.
- Construct proposed site improvements within a clustered area to minimize off-site view impacts while locating visitor-serving facilities, including overnight accommodations, in a manner that maximizes guests' views of the remodeled golf course and natural areas of the Santa Monica Mountains and provides separation between bungalow structures, as feasible, within the development area.
- Provide an all-inclusive retreat destination in the Santa Monica Mountains with visitor-serving components connected by a network of paths for pedestrian or electric cart use so guests could access those Project features without the need for personal vehicle use.
- Design and construct a state-of-the-art 18-hole golf course using features and standards that will minimize impacts to the existing environment for sustainable coexistence between golf and nature.
- Recognize and avoid natural hazards, and protect paleontological, archaeological, and historic resources.
- Protect the unique cultural and social characteristics of the region's rural residential communities.
- Eradicate non-native aquatic species in the man-made ponds onsite.
- Improve water quality in the portion of Trancas Canyon Creek leaving the Project site.

1.2 ENVIRONMENTAL IMPACT REPORT PROCESS

As defined in CEQA Guidelines Section 15050, the County of Los Angeles is the Lead Agency responsible for preparing the EIR for the Project. The County determined that preparation of an EIR was required for the Project after conducting preliminary review and preparing an Initial Study for the Project in accordance with CEQA Guidelines Sections 15060 and 15063. In compliance with the CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was issued on November 21, 2012, notifying the Office of Planning and Research, each responsible and trustee agency, and other interested parties applicable to this Project that an EIR was being prepared. Additionally, a Scoping Meeting was held at the Project site and comments were solicited on the NOP. Initially, the NOP comment period was for 30 days; however, the comment period was extended to 60 days. Following the NOP comment period from November 21, 2012 to January 21, 2013, the EIR's scope was adjusted to include the issues raised by agencies and the general public in response to the NOP. The Project entitlement applications were deemed complete by the Department of Regional Planning on January 22, 2013.

The NOP, including the Initial Study, the NOP comments received by the County, and the Scoping Meeting comments are contained in Appendix A of the Draft EIR.

As determined by the County, local environmental considerations and resources could be significantly impacted by construction and operation of the Project (Public Resources Code Sections 21002.1 and 21151). The issues identified in the Initial Study as potentially significant and recommended for analysis in the EIR include:

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services
 - Fire Protection Services*
 - Sheriff Protection Services*
- Recreation
- Traffic and Access
- Utilities/Services
 - Water Supply*
 - Wastewater Treatment*
 - Solid Waste Disposal*
 - Energy Supply*

CEQA Guidelines Section 15128 states: “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an initial study.” The County determined there was no evidence the Project would cause significant environmental effects in the following areas; therefore, no further environmental review was necessary for the reasons described in the Initial Study in Appendix A:

- Agriculture/Forest Resources
- Mineral Resources
- Population/Housing
- Public Services
 - Schools*
 - Libraries*
 - Other Public Services*

The Draft EIR was submitted to the State Clearinghouse/Governor's Office of Planning and Research, and circulated for a 60-day public review period between December 9, 2013 and February 7, 2014 as required by CEQA Guidelines Section 15105. During that review period, the County of Los Angeles Hearing Examiner held a public hearing on January 16, 2014 at the Malibu Golf Club, and public testimony was taken. At this hearing, two members of the public testified regarding the Draft EIR.

The Notice of Completion and Availability of the Draft EIR and Notice of Hearing Examiner Public Hearing was published in *The Malibu Times* and *La Opinion* on December 5, 2013 and electronically posted on the County Department of Regional Planning website. A public hearing notice for the Hearing Examiner hearing was sent to property owners within a 1,000-foot radius of the Project site, to known interested individuals and organizations, and to two local libraries. The public hearing notice for the Hearing Examiner hearing was also posted at the existing Malibu Golf Club at two public locations within the Project site. The Draft EIR and the associated technical appendices were made available on the County's website at <http://planning.lacounty.gov/case/all> (listed under Vesting Tentative Tract Map No. 071735 and at the libraries listed below:

Malibu Public Library
23519 W. Civic Center Way
Malibu, CA 90265-4804

Las Virgenes/Agoura Hills County Library
29901 Ladyface Court
Agoura Hills, CA 91301

Westlake Village Library
31220 Oak Crest Drive
Westlake Village, CA 91361

Copies of the Draft EIR were also available for public review Mondays through Thursdays, 7:30 a.m. to 5:30 p.m. at: Los Angeles County Department of Regional Planning, Special Projects Section, Room 1362, 320 West Temple Street; Los Angeles, California 90012.

The March 2014 Final EIR, which contains written responses to the 46 comment letters received during the 60-day comment period and written responses to oral testimony, was completed and submitted to the State Clearinghouse/Governor's Office of Planning and Research, and distributed on or before April 20, 2014. Distribution of the Final EIR entailed providing copies of the Final EIR to public agencies and organizations that received and/or commented on the Draft EIR, and notifying individuals who commented on the Draft EIR of the Final EIR availability. The Final EIR was made available to the public on the County's website, at the Department of Regional Planning, and at the public libraries indicated above, which are located in the vicinity of the Project area. The Final EIR was prepared and distributed in accordance with CEQA Guidelines Section 15088(b), which requires that written responses be provided at least 10 days prior to certifying an environmental impact report.

The Commission finds the Project does not require recirculation under CEQA (Public Resources Code Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." As described in CEQA Guidelines Section 15088.5:

New information is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; and
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.”

The Commission makes the following findings:

1. None of the public comments submitted to the County regarding the Draft EIR and the Final EIR, including public statements and comments made at the Hearing Examiner hearing and the Regional Planning Commission hearing, or responses to comments, present any significant new information that would require the EIR to be re-circulated for additional public review.
2. No new significant environmental impacts would result from new or modified mitigation measures proposed to be implemented subsequent to the release of the EIR.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.
5. Any new information in the Final EIR has been provided merely to clarify or amplify information in the Draft EIR. The new information does not reveal that the Project would cause significant new impacts not previously identified in the Draft EIR.

1.3 PROJECT FINDINGS INTRODUCTION

The Findings made by the County, pursuant to CEQA Section 21081 and CEQA Guidelines Section 15091, upon consideration of the Malibu Institute Project in unincorporated Los Angeles County, California are presented below. All potentially significant impacts of the Project identified in the Final EIR are included herein and are organized according to the resources (environmental topics) affected.

The Findings in this document are for the Malibu Institute Project and are supported by information and analysis from the Final EIR, which includes the Draft EIR, and other evidence in the administrative

record. For each significant impact, a Finding has been made as to one or more of the following, in accordance with CEQA Section 21081 and CEQA Guidelines Section 15091:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

A narrative of supporting facts follows each Finding.

SECTION 2.0

ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT IN THE INITIAL STUDY

The County prepared an Initial Study for the Project, which determined that the following environmental topics would have a less than significant impact or no impact and thus did not warrant further study in the Draft EIR, and no mitigation measures would be necessary. These Findings summarize the specific environmental topics and the rationale for not studying them further in the Draft EIR.

2.1 AGRICULTURE/FORESTRY RESOURCES

The Project site does not include any existing agricultural or farming uses, or forestry/timber production resources. The Project would not affect the availability or the procurement of forestry or timber resources in the general site vicinity. No impacts to agricultural or forestry resources would occur.

2.2 MINERAL RESOURCES

Mineral resources (and related mining activities) are not present in the area surrounding the Project site, and the Project development area does not contain any known mineral resources. The Project would not affect the availability or the mining of any mineral resources in the general site vicinity. No impacts to mineral resources would occur.

2.3 PUBLIC SERVICES—EDUCATION/ PARKS/ LIBRARIES

The Project does not propose any residential development that could create any of the following public education impacts: capacity problems at the district level, capacity problems at individual schools, or direct demand for student transportation. In addition, the Project does not propose any residential development that could generate demand for public library resources. The Project also would not result in direct impacts for parks. The Project's potential to result in indirect increases in demand for national, state, and regional recreation areas in the Project vicinity are discussed in Section 5.12, Recreation, of the EIR. No impacts related to education, or libraries would occur, and no additional discussion of impacts to public parks was required beyond that provided in Section 5.12, Recreation.

2.4 POPULATION/HOUSING

The Project does not propose any housing that would increase the regional or local population. In addition, the Project would not displace existing housing, as the abandoned structure in northern portion of the Project site to be removed is uninhabited and uninhabitable. The caretaker's residence in the northern portion of the Project site would be retained and continue to serve its current function.

The Project would create new jobs in the area; however, staffing positions currently provided by the existing Malibu Golf Club would partially offset the number of employees associated with the Project, particularly related to golf course maintenance and management, food service, and administrative needs. Therefore, the Project would not foster economic or population growth in the surrounding area that would exceed current projections.

SECTION 3.0

ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

All Final EIR mitigation measures, as set forth in the Mitigation Monitoring and Reporting Program (provided as Attachment A to these findings), have been incorporated by reference into the conditions of approval for the Project. These mitigation measures and conditions of approval will result in the mitigation of the effects of the Project such that the effects are not significant or have been mitigated to a less than significant level for all environmental resource areas analyzed.

The Commission has determined, based on the Final EIR, the Project would either not result in a significant impact, or with implementation of mitigation measures and/or conditions of approval would reduce Project impacts to a less than significant level, for the following environmental resources areas: Aesthetics and Visual Resources; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Public Services-Fire Protection Services; Public Services-Sheriff Protection Services; Recreation; Traffic and Access; Public Utilities-Water Supply; Public Utilities-Wastewater Treatment; Public Utilities-Solid Waste; and Public Utilities-Energy.

3.1 AESTHETICS AND VISUAL RESOURCES

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact for each threshold issue:

- (a) Scenic Views (Less than Significant Impact)
- (b) Scenic Resources (Less than Significant Impact)
- (c) Visual Character (Less than Significant Impact)
- (d) Light and Glare (Less than Significant Impact)

Finding

Design features and requirements have been incorporated into the Project, which mitigate or avoid the significant effects on the environment as identified in the Final EIR. However, mitigation measures are recommended to ensure the implementation of specific Project features, which would keep potential impacts less than significant.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding visual qualities in Section 5.1, Aesthetics and Visual Resources, of the Draft EIR.

(a) Scenic Views (Less Than Significant Impact).

The Project would introduce buildings that individually would be visually consistent with the size of the existing buildings on the site, and would use earth tone colors and natural exterior materials such as wood and stone, and incorporate vegetated “green roofs” to blend with the surrounding vegetation palette. The proposed buildings would be placed at varying elevations and would follow the existing contours of the Project site and the adjacent slopes rising to the west in order to blend into the viewshed. The structures

would be located at lower elevations than the designated scenic highways and public viewpoints from which they could be viewed and at such distances that they would not block views of designated scenic elements or intrude into the skyline above significant ridgelines, so that all aspects of the proposed structural development would be subordinate to the surrounding environment. The Project also would remove an abandoned residence from a blufftop in the northern portion of the site, which would remove an existing structure that is inconsistent with the surrounding color palette of the natural features of the viewshed. As such, the Project would have a less than significant impact on scenic vistas.

(b) Scenic Resources (Less Than Significant Impact).

There are no designated scenic resources that exist onsite. The proposed development would occupy the lower elevations of the Project site, which consists of a bowl-like depression surrounded by high ridgelines. As such, the Project would not block public views of offsite designated scenic resources, which consist of significant ridgelines, a rocky outcrop that forms one of those ridgelines, or views from scenic highways. Therefore, the Project would have less than significant impacts on visual resources.

(c) Visual Character (Less than Significant Impact).

As with most development, the Project would increase the scale of the built environment on the site, however, design features have been incorporated into the Project, such that the proposed structures would be consistent with the existing conditions regarding building height, bulk, pattern, and character. In addition, the preservation of 450 acres of the Project site as protected open space would be consistent with the existing visual character of the site. As such, the Project would not substantially degrade the visual character of the site, and thus impacts in this regard would be less than significant.

(d) Light and Glare (Less than Significant Impact).

Outdoor Lighting

The Project facilities would introduce additional lighting sources for security and safety along walkways and parking areas as compared to existing conditions, including proposed overnight accommodations. All new outdoor lighting provided for the Project would be fully shielded and would also be consistent with other requirements of the Rural Outdoor Lighting District Ordinance to prevent light trespass and limit sky glow as defined by the Ordinance. Additionally, existing outdoor lighting for parking and driveways would be replaced with fixtures that are fully shielded and compliant with the requirements of the Rural Outdoor Lighting District Ordinance. As with the existing Malibu Golf Club, the Project would not provide lighting for any golfing activities including night golfing or driving range practice. Therefore, potential outdoor lighting impacts related to aesthetics are considered to be less than significant.

Glare Effects

The Project site is located at lower elevations than roadways from which the site can be viewed, which minimizes the potential for reflected sunlight to cause glare impacts along those roadways, as well as to the scattered residences in the area which are also located at higher elevations than the structural development area of the Project site. Therefore, potential glare impacts related to aesthetics are considered to be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, the Project would not result in significant aesthetic or visual resource impacts due to design features, colors, and surfaces that visually blend with the surrounding environment, and compliance with regulations such as the County's Rural Outdoor Lighting District Ordinance; therefore, no mitigation is required. However, the following

measures are required as part of the MMRP to ensure the implementation of specific Project features, which would keep potential impacts less than significant.

MM5.1-1 Building materials compatible in color tone and/or texture with the surrounding natural terrain shall be employed on the exteriors of all structures and retaining walls, with the exception of solar panels to be installed above the parking lot shade structures.

MM5.1-2 Aesthetically compatible native landscaping shall be provided along the Project entrance (Clubhouse Drive) to screen vehicle lights within onsite parking and driveway areas from Encinal Canyon Road.

MM5.1-3 The applicant's detailed landscape plan shall be designed to provide aesthetically compatible accenting to and/or visual screening of the Project's hardscape features and walls, as viewed from the identified public viewpoints. With the exception of the golf course greens and turf, the majority of the landscaping shall use native species of plants, shrubs, and grasses. Prior to the issuance of building permits, the landscaping plan shall be reviewed and approved by the County of Los Angeles Department of Regional Planning and Fire Department and shall address the following:

- Landscaping shall be provided in a manner consistent with fire safety needs, to help conceal visible linear elements and hard edge surface effects resulting from site grading, the use of retaining walls, and the construction of new buildings.
- Street trees and median trees, compatible with the adjacent undeveloped areas, shall be planted along Clubhouse Drive, and at the main entrance adjacent to Encinal Canyon Road.
- Appropriate landscaping, including trees and vegetated walls, shall be planted to minimize views of retaining walls.
- Project landscaping shall consist of native fire retardant species included on the Los Angeles County Fire Department Fuel Modification Plan Guidelines and located to partially screen views of the structural components of the Project from public viewpoint areas as identified above under the subheading Existing Views from Scenic Highways and Trails. Landscaping shall be compatible with the character of the surroundings and architectural style of the structures.

3.2 AIR QUALITY

Potential Effect

Based on the evaluation of the following summary list of issues addressed in Section 5.2, Air Quality, of the Draft EIR, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Construction Period Impacts (Less than Significant Impact)
- (b) Operational Impacts (Less than Significant Impact)
- (c) Micro-Scale Emissions Impacts (Less than Significant Impact)
- (d) Health Risk Assessment (Less than Significant Impact)
- (e) Local Significance Impacts (Less than Significant Impact)
- (f) Objectionable Odors (Less than Significant Impact)

Finding

The Project's air quality impacts would be less than significant, including during construction, which are regulated by the South Coast Air Quality Management District (SCAQMD) and County requirements, and during operation due to design features incorporated into the Project as well as the Project site's distance to sensitive receptors. Although not required to minimize impacts to a less than significant level, mitigation measures are provided to ensure compliance with SCAQMD and County requirements for standard dust control measures during construction and to minimize emissions during construction and operation.

Facts Supporting Finding

The California Emission Estimator Model (CalEEMod) 2011.1.1, developed by the SCAQMD, which provides a model to calculate construction emissions and operational emissions from a commercial land use project, was used to estimate the Project's construction and operational emissions. As discussed in Section 5.2, Air Quality, of the Draft EIR, the Project would not exceed the SCAQMD's recommended daily thresholds for project-specific impacts during construction or operations.

(a) Construction Period Impacts (Less than Significant Impact)

Project-specific construction emissions were estimated with the CalEEMod.2011.1.1 computer model for each year of construction, which showed the maximum daily emissions occurring in the first year of construction during site grading activities for all criteria pollutants, with the exception of ROG emissions, which would peak in the third year of construction. The estimated daily maximum emissions for each criteria pollutant is shown in the following table for the duration of construction activities.

**Construction Activity Emissions
Maximum Daily Emissions (pounds/day)
Without Implementation of Mitigation Measures**

Construction Emissions (Estimated Maximum)	ROG	NOx	CO	SO₂	PM-10	PM-2.5
Unmitigated	64 ^a	70	38	0.1	21	12
SCAQMD Thresholds	75	100	550	150	150	55
Source: CalEEMod.2011.1.1 (output included in DEIR Appendix B)						
^a Maximum daily emissions for each pollutant are estimated to occur during the first year of construction with the exception of ROG emissions, which is estimated to peak during the third year of construction.						

Construction-Related Fugitive Dust Emissions

The average daily PM-10 emissions during site grading and other disturbance, which includes fugitive dust as well as diesel emissions are estimated to be approximately 21 pounds per day without applying any mitigation measures, which is well below the daily threshold provided by SCAQMD of 150 pounds per day. The daily maximum for PM-2.5 emissions during construction is estimated to be approximately 12 pounds per day, which is below the SCAQMD daily threshold of 55 pounds per day.

In addition, the Project would comply with SCAQMD Rule 403 (Fugitive Dust), which would require the use of best available control measures (BACMs) for controlling fugitive dust, which will further reduce the Project's PM-10 and PM-2.5 emissions. MM5.2-1 is provided to ensure fugitive dust is reduced to the extent feasible, consistent with SCAQMD Rule 403.

Therefore, the Project's peak daily construction activity dust emissions (included in PM-10 and PM-2.5) will be below their respective SCAQMD CEQA significance thresholds.

Construction-Related Exhaust Emissions

Exhaust emissions would result from the use of heavy equipment during construction, and hauling of building materials and equipment to the site. Grading cut and fill quantities would be balanced onsite, and no hauling for import or export of soils would be required for the Project.

Initial site preparation and grading would gradually shift toward infrastructure development, followed by paving and painting, resulting in variations in daily and annual construction emissions as construction of the Project progresses.

The Project's estimated peak daily construction activity exhaust emissions for all criteria pollutants would be below their respective SCAQMD CEQA significance thresholds as shown in the above table.

(b) Operational Impacts (Less than Significant Impact)

Operation of the Project would result in emissions of air pollutants generated directly by mobile and stationary sources, as well as indirectly from off-site sources such as electricity generation facilities. Direct emissions from mobile sources would be generated by transportation for staff and guests of the Project. Operation of the Project's facilities, including overnight accommodations, would generate area source emissions derived from organic compounds from cleaning products and landscape equipment. The Project's operation would also result in indirect emissions produced by electrical generation plants operated by Southern California Edison (SCE). Such off-site emissions would be substantially reduced, as the Project would provide photovoltaic panels above parking structures with the goal of providing renewable energy to meet most of the Project's needs. Even without inclusion of Project design features, the Project's emissions would not exceed significance thresholds. As such, the Project's operational emissions, both unmitigated and mitigated, would be less than significant.

(c) Micro-Scale Emissions Impacts (Less than Significant Impact)

There is a direct relationship between traffic congestion and carbon monoxide (CO) impacts since exhaust fumes from vehicular traffic are the primary source of CO. The highest CO concentrations are typically found in areas directly adjacent to congested roadway intersections where vehicle exhaust has the potential to accumulate and create pockets of elevated levels of CO called "hot spots." A CO screening analysis was performed at the intersection of Mulholland Highway and Kanan Road, which is the intersection that experiences the highest level of congestion in the vicinity of the Project.

The results of the micro-scale impact analysis showed with Project implementation, inclusive of the local background concentration, maximum one-hour concentration would be 4.1 parts per million (ppm), which would be well below the one-hour standard of 20 ppm. The maximum ambient 8-hour CO concentration with the Project would be 1.9 ppm inclusive of the background concentration, which is below the 9 ppm significance threshold. Therefore, micro-scale (CO hot spots) air quality impacts would be less than significant.

(d) Health Risk Assessment (Less than Significant Impact)

During construction, heavy equipment would emit diesel particulate matter (DPM). According to the California Office Environmental Health Risk Assessment (OEHHA) Technical Support Document (TSD)

for Cancer Potency Factors entitled “Methodologies for derivation, listing of available values, and adjustments to allow for early life state exposures” (May 2009), individual cancer risk factors for DPM exposure is based on a continuous lifetime exposure of 70 years. The majority of any DPM generated at the project site would occur during the grading phase, a period of approximately six months, which would not indicate a substantial exposure risk for sensitive receptors due to the relatively short duration. Additionally, the nearest sensitive receptors are a minimum of 1,200 feet distant from the Project’s grading footprint.

Therefore, based on the limited duration of grading activities and limiting such activities to workday hours rather than 24-hour periods, health risks due to diesel emissions exposure from this project for sensitive receptors would be less than significant.

(e) Local Significance Impacts (Less than Significant Impact)

Local Significance Thresholds (LST) are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours, such as a residence, hospital, or convalescent facility.

To present a thorough analysis of the Project’s air quality impacts, emissions resulting from all project construction activities were evaluated for LST impacts. The LST analysis was based on the nearest sensitive receptors to the proposed grading areas, which are residences, located approximately 1,200 feet (365 meters) west of the development area.

SCAQMD provides screening tables for LST impacts based on source-receptor distances and the maximum daily total of disturbed acreage during grading, which in this case is 365 meters and 5 acres, respectively. Using the SCAQMD screening tables, and interpolating the results for a 365 meter distance, LST impacts for construction activities would be well below daily significance thresholds as shown in the following table.

LST and Project Emissions (pounds/day)

Construction Activities	Max On-Site Daily Emissions ^a			
	CO	NOx	PM-10	PM-2.5
Site Prep	29	51	9	6
Grading	37	70	8	4
Construction	18	24	2	2
Paving	16	22	2	2
Project Local Significance Thresholds (LST)^b	7,425	280	129	62

^a CalEEMod Output in Appendix B (maximum mitigated emissions from on-site construction).
^b Based on maximum disturbance of 5 acres/day with sensitive receptors at 350 meters (NW Coastal Los Angeles).

(f) Objectionable Odors (Less than Significant Impact)

The nearest residential use is more than 1,200 feet to the west of the Project perimeter and at least 2,600 feet (approximately 0.5 miles) from the Project's wastewater treatment and water recycling system. The Project provides a system that is self-contained, placed underground, and designed such that it would not result in odor emissions that would be considered objectionable within the proposed development area, or at off-site receptors. The Project would comply with SCAQMD Rule 402, which prohibits the discharge

from any source whatsoever such quantities of air contaminants or other material, which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. In addition, as a commercial enterprise designed to accommodate guests for overnight stays, the Project will have an interest in preventing odors on the site itself, which would minimize any odor impact at offsite sensitive receptors. Therefore, odor impacts would be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, air quality impacts from the Malibu Institute Project would be less than significant. Although not required to minimize impacts to a less than significant level, implementation of the following mitigation measures would ensure compliance with SCAQMD rules and minimize air pollutant emissions to the maximum extent feasible.

MM5.2-1 The applicant shall prepare a Construction Management Plan to comply with SCAQMD established minimum requirements for construction activities to reduce fugitive dust emissions. The Plan shall include the following dust control measures:

- The simultaneous mass grading disturbance area shall be limited to 10 acres per day. Application of soil stabilizers to inactive areas according to manufacturers' specifications (previously graded areas inactive for ten days or more).
- Preparation of a high wind dust control plan, implementation of plan elements, and termination soil disturbance when winds gusts exceed 25 mph.
- Stabilization of previously disturbed areas if subsequent construction is delayed.
- Covering all stockpiles with tarps if left unattended for more than 48 hours.
- All trucks hauling dirt, sand, soil or other loose materials are to be covered.
- Appoint a construction relations officer to act as community liaison concerning onsite construction activity including resolution of issues related to PM-10 generation.
- Portions of the site that are undergoing surface earth moving operations shall be watered. Exposed surfaces and haul roads will be watered three times/day.
- Vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
- Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each workday. The maximum vehicle speed on unpaved roads shall be 15 mph.
- Grading operations shall be suspended during any first stage ozone episodes.

MM5.2-2 Non-particulate construction activity emissions are not predicted to exceed SCAQMD CEQA thresholds. Nonetheless, the following control measures shall be implemented:

- Construction parking shall be configured to minimize the potential for traffic interference and vehicle idling.
- Any construction equipment using direct internal combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and a four-degree retard.
- Equipment and vehicle engines shall be maintained in good condition and in proper tune, according to manufacturer's specifications and per SCAQMD rules, to minimize exhaust emissions. Tier 3 rated engines shall be used for all equipment during site grading, if available.
- Equipment whose engines are equipped with diesel oxidation catalysts shall be utilized, if available. Construction operations affecting off-site roadways shall minimize obstruction of through-traffic lanes and shall be limited to off-peak hours, as permitted. Truck deliveries

occurring during construction shall be consolidated to the extent feasible.

- Idling trucks or heavy equipment shall turn off their engines if the expected duration of idling exceeds five (5) minutes as required by law.
- Onsite heavy equipment used during grading and construction shall be equipped with diesel particulate filters if feasible.
- All building construction shall comply with energy use guidelines in Title 24 of the California Code of Regulations.
- Construction equipment operations shall be suspended during any first stage smog alert.
- Low VOC architectural and asphalt coatings shall be used onsite and shall comply with AQMD Rule 1113-Architectural Coatings.

MM5.2-3 Operational emissions are not predicted to exceed SCAQMD CEQA thresholds. Nonetheless, to further reduce potential operational emissions, the applicant shall install gas lines for any hearth applications and prohibit wood burning in Project hearths.

3.3 BIOLOGICAL RESOURCES

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Special-Status Plant Species (Less than Significant Impact with Mitigation)
- (b) Special-Status Wildlife Species (Less than Significant Impact with Mitigation)
- (c) CDFW Sensitive Plant Communities (Less than Significant Impact)
- (d) Environmentally Sensitive Habitat Area (ESHA) (Less than Significant Impact with Mitigation)
- (e) Jurisdictional Wetlands, Waters and habitat (Less than Significant Impact with Mitigation)
- (f) Wildlife Movement and Habitat Linkages (Less than Significant Impact)
- (g) Protected Oak Trees (Less than Significant Impact)
- (h) Significant Ecological Areas (SEAs) (Less than Significant Impact)

Finding

Changes or alterations and mitigation measures have been incorporated into the Project which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding biological resources in Section 5.3, Biological Resources, and the Malibu Institute Project Biota Report in Appendix D.1, Malibu Institute Project Jurisdictional Delineation Report, Malibu Institute Project: A Plan toward Restoring Trancas Creek, a Significant Stream in the Santa Monica Mountains National Recreation Area – A Report on California Newt and Western Pond Turtle Surveys 2013, and the Project Oak Tree Report provided in Appendices D.1 through D.4, respectively, of the Draft EIR, which are incorporated by reference herein.

The Project would be sited almost entirely within existing developed/disturbed areas of the Project site, with the exception of the construction of two tee boxes and a pathway to the tee boxes that would occur within undisturbed native habitat. Fuel modification would only be required in areas that are currently

subject to fuel modification in the existing condition. As part of the Project, over 450 acres of native habitat surrounding the golf course would be left undisturbed and would become permanently dedicated open space.

The Project would incorporate native, drought-tolerant landscaping, replacing most of the existing ornamental non-native landscaping on the Malibu Golf Club, and would remove 1,590 non-native trees and palms, relocate some non-native pine trees, and plant native oak and sycamore trees at the Project site. Over 50% of the non-native trees at the Project site would be removed. All trees planted at the site would be trees native to California.

The ponds on the golf course would be temporarily dewatered to eradicate invasive animals, including predatory fish and crayfish. Vegetation and sediment would also be removed from the ponds to improve functional capacity and to remove potentially occurring toxins such as pesticides and herbicides that may have accumulated in bottom sediments.

(a) Special-Status Plant Species (Less than Significant Impact with Mitigation)

Proposed tee box and pathway

A proposed tee box and the proposed pathway to the tee box would intersect approximately 0.02 acres of native chaparral habitat containing the Plummer's mariposa lily (*Calochortus plummerae*) [CRPR 4.2, L.A. County] on the lower south-facing slope of an isolated hill surrounded by the developed golf course. The Plummer's mariposa lily is a County of Los Angeles locally sensitive plant species. Construction of the tee box and pathway would potentially result in loss or injury to a relatively small but unknown number of individuals of this species, loss of a portion of its seed bank, and loss of suitable Plummer's mariposa lily habitat. Mitigation measure MM5.3-2 would mitigate this impact by requiring the replacement of impacted Plummer's mariposa lily at a minimum 2:1 ratio within suitable habitats on the Project site in an area to be preserved as permanent open space.

Proposed helicopter pad

The proposed helicopter pad would be sited within a formerly graded area containing disturbed native habitat and a population of native annual slender combseed (*Pectocarya linearis* ssp. *ferocula*) [L.A. County]. The proposed helicopter pad would encompass 79 individuals (based on the number of live plants observed in Spring of 2013) and a seed bank of this plant, as well as 0.11 acres of suitable slender combseed habitat. The preparation of the helicopter pad, construction of a proposed waterline to the helicopter pad, and installation of a proposed fire hydrant at the helicopter pad would not involve grading or substantial ground disturbance such that the annual slender combseed population would be significantly and adversely affected.

The superficial ground disturbance and routine mowing of native and non-native vegetation that would be associated with the use and maintenance of the helicopter pad would be a beneficial impact on the annual slender combseed, as this species typically occurs in disturbed habitats and is expected to respond favorably to minor ground disturbance and the removal of taller shading vegetation. Therefore, no mitigation is required.

(b) Special-Status Wildlife Species (Less than Significant Impact with Mitigation)

Ground and vegetation disturbing activities necessary to construct the tee box, construct the pathway to the tee box, and maintain the helipad would impact chaparral and disturbed coastal sage scrub, which could result in potentially significant but mitigable impacts caused by direct mortality or injury to the

following potentially occurring special-status species (with varying probabilities ranging from high to very low depending on the species): Trask shoulderband snail, coast horned lizard, western pond turtle, and coast patch nosed snake.

Ground and vegetation disturbing activities necessary to construct the modified golf course, including the removal and installation of turf and landscaping could result in potentially significant but mitigable impacts caused by direct mortality or injury to the western pond turtle.

The proposed grading and maintenance, i.e., sediment and vegetation removal, of the golf course ponds would impact aquatic, wetland, and riparian habitats, which would result in potentially significant but mitigable impacts caused by direct mortality or injury to resident western pond turtles.

The proposed grading and maintenance of the golf course ponds could result in potentially significant but mitigable impacts caused by direct mortality or injury to the following potentially occurring special-status species (with varying probabilities ranging from high to very low depending on the species): California legless lizard, two-striped garter snake, California mountain kingsnake, and tree-roosting special-status bats.

Impacts to wildlife species would be mitigated to less than significant levels by mitigation measures MM5.3-1 and MM5.3-3 through MM5.3-5. Discussed in more detail below; MM5.3-1 requires the retention of a lead biological monitor to ensure that impacts to all biological resources are minimized or avoided, MM5.3-3 provides for pre-construction biological surveys, MM5.3-4 provides for pre-construction Shoulderband Snail surveys, and MM5.3-5 requires the preparation of a Western Pond Turtle Mitigation and Monitoring plan.

Loss and modification of habitat

Many of the special-status wildlife species with potential to occur within the proposed limits of disturbance likely would occur only rarely or occasionally and would not be significantly affected by habitat loss and habitat modification that would result from development of the Project, as impacts to suitable habitats would represent an exceedingly small proportion of the available suitable habitat within their ranges. These species include residents, as well as migrants and other rare and uncommon visitors that may rarely or occasionally forage on the site, including the least Bell's vireo, willow flycatcher, bank swallow, golden eagle, northern harrier, American peregrine falcon, burrowing owl, western least bittern, short-eared owl, long-eared owl, black swift, Vaux's swift, olive-sided flycatcher, purple martin, yellow warbler, yellow-breasted chat, summer tanager, as well as several additional potentially occurring species of birds considered "special animals". Impacts to suitable native habitat would not have a substantial adverse effect on these species, due to the small acreage of habitat that would be lost or modified, the relatively low importance of the habitat within the limits of disturbance to their survival, and because these species can be expected to adapt and utilize other available habitat in the surrounding area or in the region.

The following special-status species with potential to occur on the Project site may use all or a portion of habitat within the disturbance limits to meet their life history requirements for refuge, breeding, and foraging: Trask shoulderband snail, Santa Monica grasshopper, coastal whiptail, coast horned lizard, California legless lizard, San Bernardino ringneck snake, coast patch-nosed snake, white-tailed kite, loggerhead shrike, all potentially occurring bat species, and several additional potentially occurring species of birds considered "special animals" (e.g., Cooper's hawk and southern California rufous crowned sparrow). The native habitats within the limits of disturbance are not particularly important or essential for the survival of a population of any of these species and the acreage of suitable habitat for

these species that would be impacted would be small, particularly when compared to the amount of remaining suitable habitat on the Project site, which would be protected as permanently dedicated open space as a component of the Project. Therefore, impacts to these species resulting from habitat loss would be less than significant.

Dewatering of the ponds

The proposed dewatering and drying of the ponds and the removal of vegetation from the ponds could have a potentially significant adverse effect on the western pond turtle, and may have a significant adverse effect on the two-striped garter snake, if the two-striped garter snake is present at the site. These species are identified as special-status species by the CDFW. Mitigation measures 5.3-3 and MM5.3-5 would mitigate this impact. Discussed in more detail below; MM5.3-3 provides for pre-construction biological surveys, and MM5.3-5 requires the preparation of a Western Pond Turtle Mitigation and Monitoring plan to limit impacts to this species.

Roosting special-status bats

The demolition of uninhabited structures and the felling of trees, particularly larger trees, could result in direct mortality, injury, or disturbance to roosting bats, including hibernating bats or bats raising young. Mitigation measures MM5.3-6 and MM5.3-7 would mitigate this impact by requiring actions to minimize impacts to special status roosting bats, including scheduling, surveys, and relocation if necessary.

Nesting Birds

Birds may nest within the Project impact area in trees, shrubs, dense herbaceous vegetation, and on or within suitable man-made structures. Certain Project activities including but not limited to grading, tree and vegetation removal, maintenance of the golf course ponds, and demolition of structures conducted during the nesting bird season (February 1 through September 15), could potentially impact nesting birds protected under the MBTA and Fish and Game Code. The large number of trees that would be removed or relocated could potentially result in substantial direct mortality or injury to nesting birds. Some special-status bird species and numerous non-special-status bird species may nest within or in the vicinity of the Project site and would be directly impacted if present in vegetation or suitable structures during Project activities. Additionally, birds nesting in the vicinity of Project activities may potentially be disturbed by noise, lighting, dust, and human activities associated with the Project, which could result in nesting failure and the loss of eggs or nestlings. Project impacts to nesting birds are therefore significant, but reduced to less than significant by implementation of mitigation measure MM5.3-8 by requiring pre-construction nesting bird surveys and avoidance measures.

Invasive Animals

Invasive animals confirmed present in aquatic habitats on the Project site include crayfish, mosquito fish, and predatory fish, including non-native catfish and largemouth bass. The aquatic habitats on the Project site would be temporarily dewatered to eradicate invasive animals, including predatory fish, crayfish, and mosquito fish, which would be a beneficial impact.

(c) CDFW Sensitive Plant Communities (Less than Significant Impact)

No plant communities that meet criteria of CDFW sensitive plant communities would be impacted by the Project.

(d) Environmentally Sensitive Habitat Area (ESHA) (Less than Significant Impact with mitigation)

There are two designated ESHAs on the Project site, including a Willow/Sycamore/Coast Live Oak woodland community and an area of non-native tree plantings and disturbed areas associated with a residence and the former hunting lodge, which lacks notable or sensitive native habitat as documented in the DEIR. This residence is proposed to be demolished and dedicated as open space, therefore, the Project will not impact nearby resources. The Willow/Sycamore/Coast Live Oak ESHA is located upstream and approximately 970 feet from the limits of disturbance. The Willow/Sycamore/Coast Live Oak ESHA would not be impacted by the Project.

The Project, including all proposed grading, landscaping, tree removals, and vacant structure demolition, would be sited within areas that do not qualify as ESHA based on Los Angeles County Malibu Land Use Plan (LUP) policy, the Coastal Act definition, or Dixon Memo criteria. The Project would be sited almost entirely within existing developed and disturbed areas, and the native habitats that would be affected by the Project do not qualify as ESHA based on their isolation from large, extensive areas of native habitat or due to substantial previous or ongoing disturbance.

Development activities along the margins of the golf course would occur in close proximity to ESHA habitats, which could be degraded by inadvertent encroachment of construction activities or by excessive levels of construction noise, dust, or lighting, which could have adverse effects on native flora and fauna within those habitats. Although impacts would be temporary, Project development is anticipated to last for two years and a relatively large area would be subject to ground disturbance to create the remodeled golf course. Mitigation measure MM5.3-9 would mitigate these impacts.

Artificial Night Lighting Impacts on ESHA

Native habitats located adjacent to the limits of disturbance also could be permanently degraded if subject to excessive noise or artificial night lighting during the Project's operational phase, which could affect the normal behavior of wildlife and cause some species to avoid the area. Given that the proposed buildings would be limited to two stories in height, and be located at a lower elevation and somewhat distant to Native habitat areas, combined with the restrictions of the L.A. County Rural Outdoor Lighting District Ordinance, significant encroachment and glare within ESHAs would not be expected.

Noise Impacts on ESHA

The Project primarily consists of passive educational and recreational activities, with the remodeled golf course being a continuation of an existing use. However, the Project would continue to host occasional events, and some of these events could be held outdoors and involve the use of amplified sound. Mitigation measure MM5.10-4, which prohibits the use of outdoor amplified music, sounds, or public address systems, after 10:00 p.m. would mitigate this impact.

Invasive Plant Species

Ground disturbance associated with Project development, including grading, landscaping, pond maintenance, tree removals, and construction activities, could facilitate the introduction and/or spread of non-native, invasive plant species. These impacts would be mitigated by MM5.3-10 and MM5.3-11.

Pollutants Discharged to Habitats within the Trancas Canyon Watershed

Sensitive habitats within the Trancas Canyon Watershed, including designated stream and riparian woodland ESHAs, could be impacted by the Project if pollutants were transported downstream from the

Project site by stormwater runoff or other means. Pollutants originating from the Project site also could impact special-status wildlife species in downstream habitats, including the federally Endangered southern steelhead and tidewater goby, and the California newt, western pond turtle, and the two-striped garter snake, which are California Species of Special Concern.

Pollutants originating from the Project site also could impact special-status wildlife species in downstream habitats, including the federally Endangered southern steelhead and tidewater goby, and the California newt, western pond turtle, and the two-striped garter snake, which are California Species of Special Concern.

Pollutants could be discharged to Trancas Creek during grading, landscaping, and construction activities during the construction phase of the Project or during routine activities such as golf course maintenance during the operational phase of the Project. Pollutants discharged to offsite habitats within the Trancas Canyon Watershed could have substantial adverse effects on riparian habitat identified by the CDFW, conflict with local Malibu LUP policies protecting ESHAs, and have substantial adverse effects directly and through habitat modifications on special-status species identified by the United States Fish and Wildlife Service (USFWS) and CDFW. These impacts are significant, but mitigable. Implementation of mitigation measure MM5.3-11, which would require implementation of a Pest and Invasive Species Management Plan, as well as compliance with existing County codes and regulations (as discussed in Section 5.8, Hydrology and Water Quality), which would require implementation of a SWPPP during construction, implementation of best management practices during construction and operation and compliance with the County's MS4 permit requirements, would reduce potential impacts to a less than significant level.

Pesticides, Herbicides, Fertilizers, and Pest and Rodent Control

Pesticides, herbicides, fungicides, toxic chemicals, fertilizers (nutrients), and poisons used for pest and rodent control used at the Project site could be released to the environment, including aquatic and terrestrial systems.

If left uncontrolled, chemicals and fertilizers could have substantial adverse effects on riparian habitats and sensitive natural communities identified by the CDFW and special-status species identified by the CDFW and USFWS, either directly or through habitat modifications, and conflict with local policies protecting biological resources (Significant Watershed Areas (SWA), ESHAs), which would be a significant but mitigable impact by implementation of mitigation measure MM5.3-11.

(e) Jurisdictional Wetlands, Waters and habitat (Less than Significant Impact with Mitigation)

Permanent Impacts to USACE "Waters of the United States," CDFW Jurisdictional Habitat, and CCC Single-Parameter Wetlands

Grading to construct the redesigned golf course would permanently impact a man-made drainage (Drainage 2) on the golf course grounds, which would permanently impact a total of 0.032 acres of jurisdictional area. The impacts to Drainage 2 would have a substantial adverse but mitigable effect on riparian habitat identified by the CDFW and federally protected wetlands as defined by Section 404 of the Clean Water Act. Implementation of mitigation measures MM 5.3-12 and MM 5.3-13, which would require acquisition of resource agency permits and implementation of a final approved Habitat Mitigation and Monitoring Program, would reduce the permanent impacts to USACE "waters of the U.S." and CDFW jurisdictional habitat to a less than significant level.

Temporary Impacts to USACE “Waters of the United States,” CDFW Jurisdictional Habitat, and CCC Single-Parameter Wetlands

Grading to construct the redesigned golf course would temporarily impact wetland “waters of the United States,” CDFW jurisdictional habitat, and CCC single-parameter wetlands at three of the four ponds (Pond 1, Pond 2, and Pond 3) on the golf course grounds. Also, the temporary de-watering and drying of the golf course ponds, as well as removal of sediment and vegetation from the ponds would temporarily impact wetland “waters of the United States”, non-wetland “waters of the United States”, CDFW jurisdictional habitat, and CCC single-parameter wetlands at all four of the ponds on the golf course grounds (Pond 1, Pond 2, Pond 3, and Pond 4).

The grading of portions of Pond 1, Pond 2, and Pond 3, as well as the dewatering and removal of vegetation and sediment from Pond 1, Pond 2, Pond 3, and Pond 4 would temporarily impact a total of 4.42 acres of jurisdictional area. Implementation of mitigation measures MM 5.3-12 and MM 5.3-13, which would require acquisition of resource agency permits and implementation of a final approved Habitat Mitigation and Monitoring Program, would reduce the permanent impacts to USACE “waters of the U.S.” and CDFW jurisdictional habitat to a less than significant level.

(f) Wildlife Movement and Habitat Linkages (Less than Significant Impact)

The Project would not remove or modify habitat within an important habitat linkage or wildlife movement corridor, and the Project would not isolate habitat or construct or create permanent barriers that would impede wildlife movement, migration, or significantly disrupt the capacity of the habitat linkage on the Project site to provide opportunities for dispersal of fauna (and flora) over the short or long-term. As part of the Project, over 450 acres of native habitat surrounding the golf course would be left undisturbed and would become permanently dedicated open space that preserves existing habitat linkages for wildlife movement. Therefore, this impact would be less than significant.

(g) Protected Oak Trees (Less than Significant Impact)

The Project would avoid impacts to all oak trees, including their canopies and root protection zones, and oak woodlands. No native oaks in the genus *Quercus* would be removed and/or encroached upon by the Project.

(h) Significant Ecological Areas (SEAs) (Less than Significant Impact)

The Project site includes a small portion of the Los Angeles County designated Zuma Canyon Significant Ecological Area Buffer (SEA Buffer 3A) on the far northeastern portion of the Project site. SEA Buffer 3A is approximately 1,850 feet from the limits of disturbance. Also, the Zuma Canyon Significant Ecological Area (SEA 3) is outside of the Project site to the south and east, and approximately 2,265 feet from the limits of disturbance. Because of the distance between the limits of disturbance and SEA 3 and SEA Buffer 3A, and the terrain and drainage network of the area, the Project would not significantly impact SEA 3 or SEA Buffer 3A.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant biological resources impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following project mitigation measures:

MM5.3-1 Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of the LACDRP and CDFW. That person

shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g. avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc) are prepared, and shall make these monitoring reports available to LACDRP and CDFW at their request.

MM5.3-2 To compensate for the loss of the locally sensitive Plummer's mariposa lily, Plummer's mariposa lilies shall be replaced at a minimum 2:1 ratio within suitable habitats on the Project site in an area to be preserved as permanent open space. A Plummer's Mariposa Lily Mitigation and Monitoring Plan that provides for the replacement of the Plummer's mariposa lilies impacted by Project construction shall be developed by a qualified biologist and approved by LACDRP prior to issuance of the grading permit for the Project. The Plan shall specify the following:

- a summary of impacts;
- the location of the mitigation onsite;
- methods for harvesting seeds or salvaging and transplantation of individual bulbs to be impacted;
- measures for propagating plants or transferring living bulbs from the salvage site to the mitigation site;
- site preparation procedures for the mitigation site;
- a schedule and action plan to maintain and monitor the mitigation area;
- criteria and performance standards by which to measure the success of the mitigation, including replacement of impacted lilies at a minimum 2:1 ratio;
- measures to exclude unauthorized entry into the mitigation areas; and
- contingency measures such as replanting or weeding in the event that mitigation efforts are not successful.

The performance standards for the Plummer's Mariposa Lily Mitigation and Monitoring Plan shall be at a minimum the following:

- Within five years after introducing the Plummer's mariposa lily to the mitigation site, the number of established, reproductive plants shall be no less than 2x the number of those lost to Project construction, and;
- Non-native species relative cover shall be no more than 5% through the term of the restoration.

The mitigation project shall be initiated prior to development of the Project, and shall be implemented over a five-year period following occupancy or until performance standards are met, whichever period is longer. The mitigation project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the Plan, as necessary, to achieve desired outcomes and meet performance standards. Annual reports discussing the implementation, monitoring, and management of the mitigation project shall be submitted to LACDRP. Five years after the start of the mitigation project, a final report shall be submitted to LACDRP, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the mitigation project has, in part, or in whole, been successful based on established performance standards. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. The mitigation project shall be extended if performance standards have not been met to the satisfaction of LACDRP at the end of the five-year period.

MM5.3-3 Pre-construction Biological Surveys and Biological Monitoring

Prior to commencement of ground or vegetation disturbing activities, including but not limited to grading, pond maintenance, and landscaping activities in native chaparral, coastal sage scrub, riparian, or aquatic habitats, as well as in landscaped areas, a qualified biologist shall conduct weekly pre-construction surveys for special-status wildlife species beginning no less than thirty (30) and ending no more than three (3) days prior to the commencement of disturbance. The pre-disturbance surveys shall incorporate methods to detect the special-status wildlife species that could potentially occur at the site. To the extent feasible, special-status species shall be avoided. If avoidance is not feasible, the species shall be captured and transferred to an appropriate habitat and location where they would not be harmed by Project activities. Two-striped garter snakes shall be relocated to permanent aquatic habitats that are downstream and as close as feasible to the Project site.

MM5.3-4 Pre-construction Surveys for Shoulderband Snails

Prior to construction of the Project, a qualified biologist shall conduct a habitat assessment to locate all suitable chaparral, coastal sage scrub, and coastal scrub habitats within and directly adjacent to the limits of disturbance that may potentially support the Trask shoulderband snail (*Helminthoglypta traskii traskii*). Prior to ground or vegetation disturbing activities, a terrestrial snail specialist shall conduct surveys in suitable habitats for the Trask shoulderband snail.

The surveys shall be conducted in the winter to maximize the potential for detecting live snails. The project area shall be subject to a minimum of five (5) visual surveys, preferably spaced one (1) week apart, although surveys spaced more frequently may be acceptable in order to take advantage of wet weather. Surveys may be conducted during periods of rain, dense fogs, or heavy dews, but shall not be conducted during dry weather conditions.

Each survey shall involve a general search for key features and likely places for snails followed by more intensive searching of areas with key habitat features. Surveys shall focus on careful examination of soil, leaf litter, downed wood, debris piles, beneath rocks and vegetation, and the undersides of branches and leaves. The U.S. Fish and Wildlife Morro shoulderband snail (*Helminthoglypta walkeriana*) Protocol Survey Guidelines (June 2003) may be referred to for additional guidance on surveying for *Helminthoglypta* snails.

If Trask shoulderband snails are found, they shall be moved to suitable habitat on the Malibu Institute property, such that the snails would not be subject to direct or indirect harm by the Project, and would not migrate back into the Project area. Handling time shall be minimized and attractants shall not be used, so as to avoid inadvertently attracting vandals or predators of the snail.

The survey shall be valid for two years. Following the two-year period, surveys shall be required prior to new ground or vegetation disturbance in suitable habitat.

Prior to the issuance of a grading permit, the surveying biologist shall provide a report to LACDRP covering the survey methods and results, including maps, photographs, and field notes documenting the area surveyed and any Trask shoulderband snails that were identified and relocated.

MM5.3-5 Capture, Management, and Release of Western Pond Turtles

A Western Pond Turtle Mitigation and Monitoring Plan for the avoidance of impacts to the western pond turtle shall be prepared by a qualified biologist and approved by LACDRP and the CDFW prior to issuance of the grading permit for the Project. The Plan shall involve the capture of all western pond turtles at the Project site, the temporary containment and maintenance of the captured turtles at a suitable onsite or off-site location, and the release of the turtles back to the ponds at an appropriate time when the ponds would provide suitable habitat and the turtles would no longer be threatened by Project activities. The Plan shall at a minimum specify the following:

- timing and methods of capture and removal of the turtles, and turtle eggs if applicable, from the golf course ponds and elsewhere within the Project limits;
- site conditions necessary for the release of the turtles back to the ponds;
- methods for release to the ponds;
- monitoring program to document the status and condition of the turtle population following the release of the turtles back into the ponds;
- a schedule and action plan for monitoring and reporting on the status of the turtle mitigation project;
- criteria and performance standards by which to measure success; and,
- contingency measures in the event that the mitigation effort is not successful.

Alternatively, if feasible, the temporary containment of all or part of the turtle population at the golf course ponds may be avoided if it can be demonstrated that the timing and duration of the period that the ponds would be unsuitable for the species (i.e., lacking water, cover, or food supply) coincides with the seasonal periods that the turtles would move to upland habitats and if the safe dispersal of the turtles between the ponds and the native habitats in the surrounding area could be ensured throughout Project construction. In this case, the Plan shall also specify the timing and duration of the period that the ponds would be unsuitable and methods and monitoring activities to ensure that both direct impacts to individuals and the population of turtles at the Project site would be avoided.

Annual reports discussing the implementation, monitoring, and management of the western pond turtle mitigation project shall be submitted to LACDRP and the CDFW. The fifth annual report shall discuss the implementation, monitoring and management of the mitigation project and indicate whether the mitigation project has, in part, or in whole, been successful based on established performance standards. If performance standards have been satisfied, the mitigation shall be considered complete, and no further reporting shall be required. If performance standards have not been met, mitigation efforts shall be extended, with the incorporation of contingency measures, as identified in the Western Pond Turtle MMP.

MM5.3-6 Special-Status Roosting Bats

To avoid the direct loss of bats that could result from removal of trees or structures that may provide maternity roost habitat (e.g., in cavities or under loose bark) or structures that contain a hibernating bat colony, the following steps shall be taken:

- To the extent feasible, tree removal, tree relocation, and demolition of vacant buildings and other suitable man-made structures shall be scheduled between October 1 and February 28, outside of the maternity roosting season.

- If trees must be removed during the maternity season (March 1 to September 30), or structures must be removed at any time of the year, a qualified bat specialist shall conduct a pre-construction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.
- Each tree or structure identified as potentially supporting an active maternity roost and each structure potentially supporting a hibernating shall be closely inspected by the bat specialist no greater than 7 days prior to disturbance to the tree or structure to more precisely determine the presence or absence of roosting bats.
- If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and shall remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.
- Maternity season lasts from March 1 to September 30. Trees or structures determined to be maternity roosts shall be left in place until the end of the maternity season. A structure containing a hibernating colony shall be left in place until a qualified biologist determines that the bats are no longer hibernating.

The bat specialist shall document all demolition monitoring activities and prepare a summary report to the County upon completion of tree disturbance or building demolition activities.

MM5.3-7 Bat Relocation

If confirmed occupied or formerly occupied bat roosting habitat is destroyed, artificial bat roosts of comparable size and quality shall be constructed and maintained at a suitable undisturbed area, preferably on the Malibu Institute property. The design and location of the artificial bat roosts shall be determined by the bat specialist in consultation with CDFW.

In exceptional circumstances, such as when roosts cannot be avoided and bats cannot be evicted by non-invasive means, it may be necessary to capture and transfer the bats to appropriate natural or artificial bat roosting habitat in the surrounding area. Bats raising young or hibernating shall not be captured and relocated. Capture and relocation shall be performed by the bat specialist in coordination with CDFW, and shall be subject to approval by LACDRP and CDFW.

A monitoring plan shall be prepared for the replacement roosts, which shall include performance standards for the use of the replacement roosts by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats.

Annual reports detailing the success of roost replacement and bat relocation shall be prepared and submitted to LACDRP and CDFW for five years following relocation or until performance standards are met, whichever period is longer.

MM5.3-8 Nesting Bird Surveys

Proposed Project activities including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates shall occur outside of the avian breeding season which generally runs from February 1-August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

If avoidance of the avian breeding season is not feasible, beginning thirty days prior to the initiation of construction activities, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed, including but not limited to site preparation, grading, construction, tree removal, landscaping removal, pond or detention basin maintenance, or building demolition and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of Project activities. If a protected native bird is found, the Project proponent shall delay all Project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests.

If an active nest is located, Project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate a buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working onsite, shall be instructed on the sensitivity of the area. The Project proponent shall provide LACDRP the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

If the biological monitor determines that a narrower buffer between the Project activities and observed active nests is warranted, he / she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to LACDRP and, upon request, CDFW. Based on the submitted information, LACDRP (and CDFW, if CDFW requests) will determine whether to allow a narrower buffer.

The biological monitor shall be present onsite during all grubbing and clearing of vegetation to ensure that these activities remain outside the demarcated buffer and that the flagging / stakes / fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities. The biological monitor shall send weekly monitoring reports to LACDRP during the grubbing and clearing of vegetation, and shall notify LACDRP immediately if Project activities damage active avian nests.

MM5.3-9 The following measures shall be implemented during the construction phase to avoid impacts to ESHAs and other sensitive habitats located adjacent to the Project limits of disturbance, as well as the flora and fauna associated with the ESHAs:

- Prior to all ground disturbing and construction activities, the Applicant shall demarcate the Project limits of disturbance with sturdy exclusionary fencing to prevent encroachment of Project activities into native habitats adjacent to the Project limits of disturbance and to dissuade wildlife from entering the construction area. The fencing shall be marked with highly visible flagging and signed as a sensitive area. The LACDRP shall verify the fencing has been correctly installed prior to the start of ground disturbance or construction activities. The temporary fencing shall be routinely inspected and maintained in functional condition for the duration of Project construction.
- All construction and maintenance activities, except in an emergency, shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.
- If construction lighting is required, then lighting shall be pointed away from native habitats and shall be pointed downward and shielded to the extent practicable.
- All onsite construction equipment shall have properly operating mufflers.
- All pets shall be on a leash and shall not be allowed to enter native habitats at the Project site.
- All food-related trash shall be disposed of in closed containers.

MM5.3-10 Invasive Plant Species and Landscaping, Bio-detention Basins, and Bio-swales

Prior to the issuance of a grading permit, a Landscaping Plan shall be reviewed and approved by LACDRP to ensure that only non-invasive ornamental plant species or appropriate native plant species are used in landscaping, bio-detention basins, and bio-swales in future development of the Project site. The review shall include a comparison of proposed plants with the following lists of invasive plant species: the California Invasive Plant Inventory (California Invasive Plant Council 2006, 2007), the California Invasive Plant Council Watchlist (December 2011), the Federal Noxious Weed List (December 10, 2010), the California Department of Food and Agriculture Pest Ratings of Noxious Weed Species and Noxious Weed Seed (January 2010), the Significant Ecological Area Draft Design Manual list of “L.A. County Non-Native Species to Avoid in Landscaping,” (December 2012), and the draft Santa Monica Mountains Local Coastal Program list of “Plants to Avoid in the Santa Monica Mountains.”

The Landscaping Plan shall include all plant species that would be planted as part of the proposed project, including but not limited to plant species that would be planted within bio-detention basins and bio-swales and the drought-tolerant grasses for the golf course. Species used in bio-detention basins and bio-swales shall be locally-indigenous natives. Drought-tolerant grasses for the golf course shall be non-invasive and shall not be capable of hybridizing with native grasses in the surrounding habitat. LACDRP shall conduct site inspections to ensure the appropriate plant materials have been planted and are maintained through the life of the Project.

MM5.3-11 Pest and Invasive Species Management Plan

A Pest and Invasive Species Management Plan shall be developed and implemented that emphasizes eradication and control of problem species within the development limits and fuel modification zones, including pests and invasive plant and animal species that could adversely affect the quality of native habitats in the surrounding area. If invasive species from the Project site spread to natural areas, control of invasive species shall extend to those areas as well. The Plan shall incorporate sustainable methods, avoid or minimize the use of chemical fertilizers, insecticides, herbicides, fungicides, and rodenticides, and ensure that toxic chemicals or excessive nutrient loads do not adversely affect native habitats and wildlife. Success criteria shall be tied to the control and eradication of problem species, and the lack of adverse effects of pest management practices (and fertilizer use) on sensitive species and habitats both at

the Project site and in the surrounding area, including downstream from the Project site. The Plan shall allow for adaptation of management strategies, as necessary, and shall include periodic monitoring, reporting, and evaluation of progress. In broad terms, the Plan shall at a minimum include:

- Specific objectives;
- Target species and problem areas;
- Prioritization of threats;
- Success criteria;
- Management strategies that would prevent the establishment of problem species;
- Management strategies that would result in eradication and/or control of problem species;
- Implementation plan;
- Monitoring plan; and,
- Contingency measures.

The Plan shall incorporate but shall not be limited to the following practices and conditions:

- Use of chemical fertilizers, insecticides, herbicides, and fungicides shall be avoided or minimized;
- Pesticides and herbicides used within or near aquatic habitats shall be designated for use in aquatic habitats and shall be applied with techniques that avoid over-spraying and control application to avoid excessive concentrations; Biological and organic controls shall be used to the maximum extent feasible;
- Chemical pesticides and fertilizers shall be limited to the immediate vicinity of buildings and exotic landscape plantings;
- Bt (*Bacillus thuringiensis kursaki*) or non-native predatory snails (i.e., decollate snails) shall not be used for pest control;
- Rodent eradication efforts shall emphasize the use of traps and shall avoid chemical controls, unless otherwise directed by the Department of Health Services (DOHS);
- Anticoagulant rodenticides shall not be used, as they are a risk to non-target species and have been identified as a factor in the deaths of large predators in the Santa Monica Mountains; and,
- Application of non-anticoagulant rodenticides shall be limited to the vicinity of buildings, facilities, and developed areas and shall not extend to the landscaped areas on the golf course grounds.

The plan shall be adhered to for the life of the Project and shall be updated every ten years. The plan shall be prepared by qualified specialists in coordination with personnel responsible for pest and invasive species management at the Malibu Institute, and shall be approved by the Director of Planning prior to issuance of a grading permit for the Project. Implementation of the Plan shall begin with commencement of ground disturbance for the project. Biannual reports shall be prepared by qualified specialists, which document methods, treatments, and monitoring, and evaluate the implementation of the Plan and whether success criteria have been met. The reports shall be submitted by December 31 to the Los Angeles County Director of Planning for review who will ensure the Plan has been fully implemented and that the success criteria have been met.

MM5.3-12 Prior to issuance of the grading permit, the Applicant shall prepare and submit to the USACE for verification a “Preliminary Delineation Report for “waters of the U.S.”” and a Streambed Alteration Notification package to the CDFW for alterations to USACE jurisdictional “waters of the U.S.” and CDFW jurisdictional streambed and habitat. A Clean Water Act Section 404 permit shall be obtained from the USACE, and the Applicant shall comply with the permit conditions. A Streambed

Alteration Agreement shall be entered into with the CDFW under Section 1602 of the California Fish and Game Code, and the Applicant shall comply with the associated conditions. A Clean Water Act Section 401 Water Quality Certification shall be obtained from the RWQCB, and the Applicant shall comply with the certification conditions. Mitigation for unavoidable impacts to USACE jurisdictional “waters of the U.S.” and CDFW jurisdictional streambed and habitat shall be provided through implementation of the Habitat Mitigation and Monitoring Program, as required by MM5.3-13.

MM5.3-13 The Project shall implement the requirements of the final approved Habitat Mitigation and Monitoring Program, which shall mitigate for permanent impacts to 0.032 acres of CDFW jurisdictional habitat, 0.002 acres of USACE wetland “waters of the United States”, and 0.03 acres of USACE non-wetland “waters of the United States” at a 2:1 ratio. Due to the overlap of the jurisdictional areas that would be permanently impacted, a total of 0.032 acres consisting of 0.002 acres of wetland “waters of the United States”/CDFW jurisdictional habitat and 0.03 acres of non-wetland “waters of the United States”/CDFW jurisdictional habitat shall be mitigated.

Also as part of the Habitat Mitigation and Monitoring Program, the Project shall mitigate for temporary impacts to 4.42 acres of CDFW jurisdictional habitat, 2.19 acres of USACE wetland “waters of the United States”, 1.63 acres of USACE non-wetland “waters of the United States”, and 4.10 acres of single-parameter wetlands at a 2:1 ratio. Due to the overlap of jurisdictional areas that would be temporarily impacted, a total of 4.42 acres consisting of 0.32 acres of CDFW jurisdictional habitat, 0.28 acres of CDFW jurisdictional habitat/single-parameter wetlands, 2.19 acres of USACE wetland “waters of the United States”/CDFW jurisdictional habitat/single-parameter wetlands, and 1.63 of non-wetland “waters of the United States”/CDFW jurisdictional habitat/single-parameter wetlands shall be mitigated.

The Habitat Mitigation and Monitoring Program shall mitigate for permanent and temporary impacts to jurisdictional areas by the onsite or offsite restoration of degraded in-kind wetland and riparian habitats, or by a contribution to an in-lieu fee program approved by the LACDRP, USACE, and the CDFW. Restoration should be implemented only where suitable conditions exist to support viable wetland and riparian habitat. If the mitigation will be performed off-site, to the extent feasible the restoration should be implemented within the Trancas Canyon Watershed. Also to the extent feasible, in-lieu fees shall be used for the restoration of in-kind wetland and riparian habitat within the Trancas Canyon Watershed.

The final Habitat Mitigation and Monitoring Program shall be developed by a qualified biologist, restoration ecologist or resource specialist and submitted to and approved by the LACDRP, USACE, RWQCB, and CDFW, in compliance with Clean Water Act Sections 401 and 404 and California Fish and Game Code 1602 and supporting regulations, prior to issuance of a grading permit for the Project. The Program shall be based on the USACE Final Mitigation Guidelines and Monitoring Requirements (April 19, 2004) and the Los Angeles District’s Recommended Outline for Draft and Final Compensatory Mitigation and Monitoring Plans. In broad terms, this Program shall at a minimum include:

- Description of the project/impact and mitigation sites;
- Specific objectives;
- Success criteria;
- Plant palette;
- Implementation plan;
- Maintenance activities;
- Monitoring plan; and
- Contingency measures.

Success criteria shall at a minimum be evaluated based on appropriate survival rates and percent cover of planted native species, as well as eradication and control of invasive plant and animal species within the restoration area.

The target species and native plant palette, as well as the specific methods for evaluating whether the Project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist or resource specialist and included in the mitigation program.

To the extent possible, the mitigation project or in-lieu fee contribution shall be initiated prior to development of the Project. If the compensatory mitigation involves the restoration of onsite wetland and riparian habitats that were removed or disturbed by Project grading or pond maintenance, the mitigation project shall be initiated as the earliest possible date, but shall not interfere with Project development or the planned eradication of invasive animals from aquatic habitats at the site. The mitigation project shall be implemented over a five-year period and shall incorporate an iterative process of annual monitoring and evaluation of progress and allow for adjustments to the program, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the mitigation project shall be submitted to the LACDRP, USACE, and the CDFW. Five years after Project start, a final report shall be submitted to the LACDRP, USACE, and CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the mitigation project has, in part, or in whole, been successful based on established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. The mitigation project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the Director of Regional Planning, USACE, and the CDFW.

3.4 CULTURAL RESOURCES

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Archaeological Resources (Less than Significant Impact with Mitigation)
- (b) Historic Resources (Less than Significant)
- (c) Paleontological Resources (Less than Significant Impact with Mitigation)
- (d) Human Remains (Less than Significant Impact with Mitigation)

Finding

Mitigation measures have been required or incorporated into the Project, which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding cultural and paleontological resources in Section 5.4, Cultural Resources, of the Draft EIR and the Phase I Cultural Resources Evaluation, provided in Appendix C of the Draft EIR, which are incorporated by reference herein.

(a) Archaeological Resources (Less than Significant Impact with Mitigation)

CA-LAN-527

Using GPS equipment and archaeological base maps on file at the SCCIC, the suspected location of CA-LAN-527 was plotted within 100 feet of the 18th green within the fairway. No site record exists for this resource; therefore, it is not known what type of resource was documented at this location, the size and depth of the site, the age of the resource, or whether testing or excavation had occurred prior to the construction of the existing golf course. To be conservative, this analysis presumes at least some portion of the resource site still exists under the existing fairway near the 18th green. With implementation of the Project, this area would remain part of the remodeled golf course. If resources were found during the implementation of the Project, potential impacts to the resource would be considered potentially significant but could be mitigated to less than significant levels by implementation of mitigation measures MM5.4-1 through MM5.4-4.

CA-LAN-528

Using GPS equipment, the cultural resource identified as CA-LAN-528 on archaeological base maps on file at the SCCIC, was determined to be at the location of the abandoned residence dating to the 1920s in the northern portion of the Project site along Mulholland Highway on a bluff overlooking the existing golf course. The SCCIC did not have active files for this resource, and site records for this resource could not be located during the record search. Although the abandoned structure would be removed by the Project, activities at this site would not require subsurface excavations and therefore, would not be expected to disturb archaeological resources if any exist at this site.

(b) Historic Resources (No Impact)

CA-LAN-528

Due to evidence that trespassing has occurred within this unmaintained, abandoned residence, its state of disrepair, and its infestation by rats, the Project would remove this structure from the site for public safety and security reasons. Because there is a lack of a prehistoric component observed at this site, and due to prior disturbances of the site as evidenced by the existing structure, this site is not considered sensitive for prehistoric resources. Additionally, due to a lack of historical value and structural integrity, the abandoned residence at this site is not eligible for listing and is not considered a significant historic resource under CEQA.

Caretaker's Residence

The 1920s era residence located at 32926 Mulholland Highway is not identified as a potential resource by the SCCIC. There is no indication that this building meets any criteria for listing in the California Register as discussed above in Section 5.4.2, Regulatory Setting. Because of this, and due to alterations that were previously made to the building, this residence is not eligible for listing and is not considered a significant historic resource under CEQA. In any event, the Project would retain the caretaker's residence.

(c) Paleontological Resources (Less than Significant Impact with Mitigation)

Surface grading or shallow excavations in the previously disturbed artificial fill and alluvium soils of the Project's development footprint are unlikely to uncover significant fossil vertebrate remains. However, any substantial excavations in the sedimentary deposits in the central-southern portion of the Project site would have the potential of encountering significant vertebrate fossils, which if damaged or destroyed

would represent a significant adverse impact on the region's paleontological resources. Mitigation measure 5.4-5 would mitigate this potential impact.

(d) Human Remains (Less than Significant Impact with Mitigation)

The Project component areas were studied by site visits and by records investigations to determine if cultural resources were likely to exist. There was no evidence discovered that would indicate human remains are interred on the site either formally or informally. Nevertheless, given the historical habitation of the area surrounding the Project site, mitigation measure MM5.4-4 would be implemented in the event of a discovery of Native American human remains to mitigate the potential impact to less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant cultural and paleontological impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following mitigation measures:

MM5.4-1 A protective fence shall be installed and maintained surrounding site CA-LAN-527 prior to all earth moving activities that occur within 100-feet of the site (within the existing fairway for Hole #18, approximately 100 feet from the green).

MM5.4-2 A qualified archaeologist shall monitor all stripping and other earthmoving activities occurring within 100-feet of site CA-LAN-527 (within the existing fairway for Hole #18, approximately 100 feet from the green).

MM5.4-3 In the event unknown archaeological resources are discovered during Project construction, all ground-disturbing activities within the vicinity of the find shall cease until a qualified archaeological or paleontological monitor inspects the resources, identifies appropriate treatment, and documents the resource as necessary. The archaeologist shall record all recovered archaeological resources on the appropriate California Department of Parks and Recreation Site Forms to be filed with the California Historical Resources Information System–South Central Coastal Information Center, evaluate the significance of the find, and if significant, determine and implement the appropriate mitigation in accordance with the U.S. Secretary of the Interior and California Office of Historic Preservation guidelines, including but not limited to a Phase III data recovery and associated documentation. The archaeologist shall prepare a final report about the find to be filed with the Applicant, the County of Los Angeles Department of Regional Planning, and the California Historical Resources Information System–South Central Coastal Information Center, as required by the California Office of Historic Preservation. The report shall include documentation of the resources recovered, a full evaluation of the eligibility with respect to the California Register of Historical Resources, and treatment of the resources recovered. In the event of a find, archaeological and Native American monitoring shall be provided thereafter for any ground-disturbing activities within the boundary of the archaeological site.

MM5.4-4 In the event human remains are encountered during construction activities, all ground-disturbing activities within the area of the human remains shall cease and the County coroner shall be notified. In the event the remains are determined to be of Native American descent, the coroner shall notify the California Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person(s) thought to be the Most Likely Descendant of the deceased Native American, who shall have 48 hours from notification by the Native American Heritage Commission to inspect the site of the discovery of Native American remains and to recommend to the Applicant or landowner means for the treatment and disposition of the human remains and any associated grave goods. The Applicant or landowner shall reinter the remains and associated grave goods with

appropriate dignity on the property in a location not subject to further disturbance. In the event Native American remains are found, Native American monitoring shall be provided thereafter for any ground-disturbing activities in the area of the remains.

MM5.4-5 A paleontological monitor, supervised by a qualified paleontologist, shall monitor all excavation activities within previously undisturbed sedimentary soils (Quaternary Alluvium) in the lower lying central-southern portion of the site. If fossils are found, the paleontological monitor shall be authorized to halt the ground-disturbing activities within 25 feet of the find in order to allow evaluation of the find and determination of appropriate treatment in accordance with Society of Vertebrate Paleontology guidelines for identification, evaluation, disclosure, avoidance or recovery, and curation, as appropriate. Any fossils recovered during mitigation shall be deposited in an accredited and permanent scientific institution for the benefit of current and future generations. The paleontologist shall prepare a final report on the monitoring. If fossils are identified, the report shall contain an appropriate description of the fossils, treatment, and curation. A copy of the report shall be filed with the Applicant, County of Los Angeles Department of Regional Planning, and the Natural History Museum of Los Angeles, and shall accompany any curated fossils.

3.5 GEOLOGY AND SOILS

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Fault Rupture (Less than Significant Impact)
- (b) Strong Seismic Ground Shaking (Less than Significant Impact)
- (c) Liquefaction (Less than Significant Impact)
- (d) Lateral Spreading (Less than Significant Impact)
- (e) Ground Lurching and Cracking (Less than Significant Impact)
- (f) Landslides (Less than Significant Impact)
- (g) Erosion (Less than Significant Impact)
- (h) Loss of Topsoil (Less than Significant Impact)
- (i) Soil Stability (Less than Significant Impact)
- (j) Consolidation and Settlement (Less than Significant Impact)
- (k) Subsidence and Collapse (Less than Significant Impact)
- (l) Indirect Offsite Soils and Slope Stability (Less than Significant Impact)
- (m) Expansive Soils (Less than Significant Impact)
- (n) Capacity to Support Onsite Wastewater Treatment Systems (Less than Significant Impact)
- (o) Hillside Management Area Ordinance (Less than Significant Impact)

Finding

Compliance with all geotechnical recommendations contained in the Project's Geotechnical Investigation(s) and County-enforced seismic Code requirements would reduce potential hazards to people and structures to avoid significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding geotechnical hazards in Section 5.5, Geology and Soils, of the Draft EIR and the Geotechnical Investigation of The Malibu Institute and Proposed Renovations and Expansion of the Malibu Golf Course provided in Appendix E of the Draft EIR, which are incorporated by reference herein.

(a) Fault Rupture (Less than Significant Impact)

There are no known active or inactive faults traversing the Project site. While existing active faults are located in proximity to the site (e.g., Santa Monica fault zone, Malibu Coast fault zone, and Anacapa/Dume fault), ground ruptures have historically been associated solely with ground immediately above either the main fault or the path of a fault splay. Since the site has no known feature of this type on or in the immediate vicinity of the Project site, the fault rupture hazard is considered negligible and would be less than significant.

(b) Strong Seismic Ground Shaking (Less than Significant Impact)

Like most of southern California, the Project site is susceptible to ground shaking from the several known active faults in the region. The closest active faults capable of generating a seismic event in excess of a magnitude 6 earthquake are located approximately two miles from the Project site. One of these (Anacapa/Dume) is thought to be capable of generating a magnitude 7.5 earthquake with an intensity of 1g; however, the Project site is not expected to experience an intensity of ground shaking greater than 0.43g, which is within acceptable design parameters for the types of structures contemplated for the site. This difference in the magnitude of ground shaking is due to the site's distance from the most proximate faults and the characteristics of the soil and bedrock that underlay the Project site. The assessment of seismic risk at the Project site, completed by Sladden Engineering in 2012 and documented in the Project's Geotechnical Investigation, approved by the County Department of Public Works, concluded that the combination of shallow seated bedrock beneath structures together with the proper application of California Building Code (CBC) seismic design requirements and the implementation of the measures recommended by the Project's geologist for grading, building pad preparation and foundation design would minimize the potential for the collapse of buildings, the failure of any proposed fill slopes, and collapse of retaining walls.

The potential for seismically induced slope instability affecting the development area of the Project site is not a significant adverse impact due to the distance between such slopes and the proposed development area. The Project would comply with all applicable Building Code requirements as they relate to Geotechnical issues. With implementation of Building Code and regulatory requirements and grading and structural design recommendations, overall effects of ground shaking the Project would be less than significant.

(c) Liquefaction (Less than Significant Impact)

Liquefaction refers to the loss of strength in saturated, cohesionless soils due to the build-up of pore water pressures during dynamic loading. Liquefaction can cause substantial local settlement, particularly where heavy building loads overlie vulnerable substrates. The 2001 CGS Seismic Hazard Report for the Point Dume Quadrangle included an assessment of susceptibility to liquefaction within the Quadrangle and provided a map indicating the location of liquefaction-prone areas. The Project site is not located within any liquefaction-prone area identified in the CGS Report. The liquefaction potential of natural deposits on the site is considered minimal and the impact of liquefaction would be less than significant.

(d) Lateral Spreading (Less than Significant Impact)

Liquefaction-induced lateral spreading is lateral displacement of gently sloping ground as a result of pore pressure build-up or liquefaction in a shallow underlying deposit during an earthquake. Lateral spreading refers to more moderate movements of gently sloping ground than would characterize landslides, which involve large down-slope movements or “flow” of completely broken soils over relatively long distances.

Liquefaction-induced lateral spreading occurs on mild slopes of 0.3 to 5 percent underlain by loose sands and a shallow water table. These conditions are frequently found along streams and other waterfronts in recent alluvial or deltaic deposits, as well as in loosely placed, saturated sandy fills. Subsurface infrastructure, such as pipelines, is particularly vulnerable to the effects of lateral spreading, as are streets and other paved areas where misalignments are created. The Project site is not located in an identified liquefaction-prone area within the Point Dume Quadrangle. Accordingly, liquefaction-induced lateral spreading would not be anticipated at the Project site and impacts would be less than significant.

(e) Ground Lurching and Cracking (Less than Significant Impact)

Ground lurching is the horizontal movement of soil, sediments, or fill located on relatively steep embankments or scarps as a result of seismic activity, forming irregular ground surface cracks. The potential for lurching is highest in areas underlain by soft, saturated materials, especially where bordered by steep banks or adjacent hard ground. However, as part of the Project, soft surficial earth materials with potential for saturation as a result of over-irrigation would be removed and replaced with competent soils that are adequately compacted as required by the recommendations contained in the Project’s Geotechnical Investigation (2012), approved by the County Department of Public Works. Compliance with all geotechnical recommendations contained in the Project’s Geotechnical Investigation(s) and County-enforced seismic Code requirements would reduce potential hazards to people and structures due to ground lurching and cracking to a less than significant level.

(f) Landslides (Less than Significant Impact)

Landslides can include rockfalls, deep slope failures, and shallow debris falls. Landslides that have occurred near the coast have blocked Encinal Canyon Road, Decker Canyon Road, and Mulholland Highway during and after seismic activity or heavy rain. However, the Project site is underlain by very shallow alluvium and undocumented fills spread over volcanic bedrock. Steep slopes on the Project site that could be susceptible to landslide or rock fall are located well outside the proposed development area. Because of the distance between steep slopes and the Project’s development area, landslides, rock falls, and mudflows are unlikely to adversely impact structures or persons within the Project’s development area. The Project’s Geotechnical Investigation, approved by the County Department of Public Works, found no evidence of landslide, rock falls, or debris falls within the valley area where Project development would occur. Therefore, potential adverse effects associated with landslides would be less than significant.

(g) Erosion (Less than Significant Impact)

Construction Phase:

The County Department of Public Works requires implementation of temporary Best Management Practices (BMPs) during construction as a means to control erosion of exposed soils due to construction activities. Specific BMPs and statutory requirements to reduce or prevent soil erosion during construction

are discussed in Section 5.8, Hydrology and Water Quality. These BMPs and statutory requirements are included in the DEIR.

Operational Phase:

The Project would be landscaped, parking lots would be paved with a combination of pervious and impervious pavement, and pathways would be paved or otherwise stabilized. All constructed slopes would be planted and maintained pursuant to the Project's approved landscape plan. County Code requires NPDES compliance, including compliance with the County's MS4 Permit requirements, with provisions for post-construction erosion and sediment control.

The Project would comply with all State, federal, and local requirements for erosion control. Compliance with applicable Code and regulatory requirements would reduce potential erosion impacts to less than significant.

(h) Loss of Topsoil (Less than Significant Impact)

Construction Phase:

During construction, there is a potential for the loss of topsoil. The County's requirements for BMPs would be incorporated into the Project's Local Stormwater Pollution Prevention Plan (LSWPPP) and Grading Plan, implemented in the course of construction, and adequately maintained until permanent construction is completed, paving is installed, and permanent landscape is installed and established with a minimum of 50 percent coverage.

These same measures, taken to reduce or eliminate erosion impacts during the construction phase, also would retain topsoil, where possible, given the requirements of the Project. Loss of topsoil due to wind-induced erosion would be mitigated through hydroseeding exposed soils, the use of straw blankets, where necessary, and tarping dirt stockpiles.

With implementation of the Project's LSWPPP, in compliance with County Code and regulations, the Project's impacts would be reduced to less than significant.

Operational Phase:

During the Project's operational phase, topsoil would be restored when replanting occurs. The Project would conform to applicable recommendations for green waste management contained in the County's Green Waste Management Resource Guide for Los Angeles Residents and Businesses (DPW-Environmental Programs Division, 2013) and would implement a green waste program as part of the long term management strategy of the golf course and Project landscape maintenance. Green waste would be gathered and composted onsite for reuse as a soil amendment and to mulch exposed ground to avoid both moisture evaporation and loss of soil due to wind or water. Replacement of topsoil as part of the Project's landscape and revegetation plan, the use of effective water conserving irrigation systems as discussed in Section 5.14, Utilities, of the Draft EIR, and the use of the products of ongoing green waste management to provide natural soil cover, would reduce the Project's impacts regarding loss of topsoil during the operational phase to a less than significant level.

(i) Soil Stability (Less than Significant Impact)

The presence of soft and compressible near surface soil and relatively shallow bedrock would require the use of remedial grading at the Project site to ensure stable soils that can safely support proposed

structures. The Project's Geotechnical Investigation, approved by the County Department of Public Works, requires the over-excavation and/or re-compaction of all uncertified artificial fill soil, the primary foundation bearing soil, and any bedrock encountered at the planned footing elevations of each new structure. The County Code and regulations require the Project's grading plans incorporate all recommendations included in the Project's soils engineering and geology report(s), which is included in the Project's Geotechnical Investigation, through which the geotechnical engineer's recommendations are treated as regulatory requirements. Compliance with the provisions of the County Building Code and approved recommendations would ensure soil stability and reduce potential impacts to less than significant.

(j) Consolidation and Settlement (Less than Significant Impact)

Consolidation of soils and subsequent settlement beneath building foundations can result in structural damage. The materials of the underlying shallow seated bedrock on the Project site have a high density and low compressibility. The Project's Geotechnical Investigation, approved by the County Department of Public Works, includes recommendations for placement of engineered fill to construct building pads.

Settlement would be less than one inch with recommended building loads and total settlement would be within the tolerances required by the County Building Code. Compliance with the County's Building Code and required incorporation of the recommendations of the Project's geologist into the Project's grading plan would reduce the hazard to buildings due to consolidation and settlement to a less than significant level.

(k) Subsidence and Collapse (Less than Significant Impact)

Subsidence is the sinking or gradual lowering of the earth's surface. Collapse is the sudden lowering of the surface. Both subsidence and collapse can occur from either natural or manmade causes. Overdraft of groundwater accounts for approximately 80 percent of subsidence and collapse in California while the majority of the balance is the result of prior mining or oil and petroleum extraction. The Project site does not overlay a groundwater basin identified by the USGS as subject to subsidence due to groundwater pumping. There is no evidence that mining or gas and oil production have ever taken place on or in the immediate vicinity of the Project site. Accordingly, the manmade or natural causes of subsidence are absent from the Project site. Compliance with statutory requirements and mandatory incorporation of the recommendations of the Project's geotechnical engineer into the Project's grading plans, would address other potential causes of subsidence, reducing the potential impacts associated with subsidence to less than significant.

(l) Indirect Offsite Soils and Slope Stability (Less than Significant Impact)

There is an active landslide area near the intersection of Encinal Canyon Road at Pacific Coast Highway, and a potential for landslides also exists at the southern ends of Decker Canyon Road and Kanan Dume Road at their intersections with Pacific Coast Highway located south of the Project site, and along Mulholland Highway north of the site. Since Encinal Canyon Road is the primary paved access to the site, its blockage as a result of a landslide could have a potentially significant indirect impact on the Project unless other paved access is available as is the case with the Project site.

The existing paved connections from Encinal Canyon Road to Decker Canyon Road via Lechusa Road, and also to Kanan Dume Road via Mulholland Highway, provide alternate egress routes from the Project site to the southwest and northeast, respectively. While portions of Decker Canyon Road and Kanan

Dume Road are susceptible to landslide, neither of these roads appeared to be affected by the 1994 Northridge Earthquake. The Encinal Canyon connection to Kanan Dume Road also traverses a portion of Mulholland Highway northeast of the site. While portions of this road also are susceptible to landslide, there is no historic record of blockage due to seismic-induced landslide, rock, or debris falls. Lastly, as Decker Canyon extends north from the connection to Encinal Canyon road, it becomes Westlake Boulevard (State Route 23) within the Conejo Valley, where it makes a connection to the 101 Freeway. Kanan Dume Road is also a cross-mountain road, extending north into the Conejo Valley, and making similar connections to the north, as well as connecting to Pacific Coast Highway (PCH) to the south. Simultaneous blockage of all of the several routes to the site by seismically induced landslide, rock slide, or debris flows is highly unlikely and the presence of multiple routes for evacuation of the site or access to the site by emergency vehicles would reduce the potential indirect impacts of off-site landslides to less than significant.

(m) Expansive Soils (Less than Significant Impact)

Expansion index testing of soil samples show the site's expansion indices vary from 28 to 55 and 60, depending upon the location from which the soil sample was taken. Based on these results, the Project site's development footprint has a low to medium expansion potential.

The Project's Geotechnical Investigation, approved by the County Department of Public Works, recommends the removal and/or over-excavation of expansive materials and their replacement with compacted engineered fill. Any residual expansion impacts would be mitigated through the use of appropriately designed footings and slabs.

The County Department of Public Works has issued guidelines for the design of foundations on expansive soils. These guidelines require foundation and near building design that satisfy these requirements. Compliance with the recommendations of the Project's Geotechnical Investigation and the provisions of the County Building Code Section 1803.5.3 (Expansive Soils) pursuant to County Information Bulletin P/BC 2011-116 would provide uniform bearing surfaces to support all occupied structures and provide foundations designed to reduce potentially adverse impacts of expansive soils to less than significant.

(n) Capacity to Support Onsite Wastewater Treatment Systems (Less than Significant Impact)

The existing Malibu County Club includes a septic system for waste disposal. The Project would replace the majority of the site's septic system with an onsite wastewater treatment facility that would provide recycled water for use in irrigating the golf course. Only one septic tank would remain in place to serve an existing 900-square foot caretaker's residence near Mulholland Highway. There have been no documented problems with the septic system at the one remaining location. Project impacts associated with this threshold would be less than significant.

(o) Hillside Management Area Ordinance (Less than Significant Impact)

Analysis of the Project's consistency with the County's Hillside Management Area Ordinance and hillside design standards is provided in Section 5.9, Land Use, as part of the Los Angeles County General Plan consistency analysis. As discussed in that section, the Project would not be in conflict with the ordinance or standards regarding hillside development, and, as such, impacts related to this threshold would be less than significant.

The Commission finds, based on substantial evidence in the record, the impacts related to geology and soils would be less than significant with implementation of all geotechnical recommendations contained in the Project's Geotechnical Investigation(s) and County-enforced seismic Code requirements, and no mitigation measures are required for the purpose of reducing impacts to less than significant.

3.6 GREENHOUSE GAS (GHG) EMISSIONS

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Construction Activity GHG Emissions (Less than Significant Impact)
- (b) Project Operational GHG Emissions (Less than Significant Impact)

Finding

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding greenhouse gas emissions in Section 5.6, Greenhouse Gas Emissions, of the Draft EIR and the Air Quality Impact Calculations – CalEEMod Report provided in Appendix B of the Draft EIR, which are incorporated by reference herein.

(a) Construction Activity GHG Emissions (Less than Significant Impact)

During construction activities, the Project would result in GHG emissions from the burning of fossil fuels due to the use of power equipment. In determining a project's GHG significance from construction activities, it is the policy of SCAQMD to amortize emissions over a 30-year lifetime. The Project's total CO₂e emissions of 1,831.6 MT from construction activities would result in an amortized amount of 61.1 MT of CO₂e per year. Therefore, Global Climate Change impacts from construction of the Project would be less than significant.

(b) Project Operational GHG Emissions (Less than Significant Impact)

Operational GHG emissions were calculated for the Project using CalEEMod. Total Project GHG emissions including the annualized construction emissions are calculated to be 2,706.2 MT/year CO₂e with the application of Project design features proposed by the Applicant, which would be less than the recommended SCAQMD significance threshold of 3,000 CO₂e MT/year. Project emissions would be expected to be even less than 2,706.2 as the Project is seeking LEEDTM Platinum certification or equivalent, which would require substantial energy use reductions relative to County requirements and those modeled in the CalEEMod report.

To accurately calculate net new Project impacts, emissions from the existing Malibu Golf Course were modeled separately in CalEEMod. When current GHG emissions from the existing golf course use are considered, the Project-related net increase would be 2,833 MT CO₂e/year without including proposed energy efficiency measures, and less than 2,200 MT CO₂e/year with the implementation of design features proposed to improve efficiency, which would be below the threshold of significance.

The Commission finds, based on substantial evidence in the record, the impacts to global climate change would be less than significant and no mitigation measures are required for the purpose of reducing GHG emissions.

3.7 HAZARDS AND HAZARDOUS MATERIALS

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Asbestos Containing Materials (ACMs) (Less than Significant Impact)
- (b) Lead Exposure (Less than Significant Impact)
- (c) Pond Sediments (Less than Significant Impact with Mitigation)
- (d) Biological Hazard (hantavirus) (Less than Significant with Mitigation)
- (e) Soil Contamination (spilled fuel) (Less than Significant with Mitigation)
- (f) Use and Storage of Hazardous Materials (Less than Significant with Mitigation)
- (g) Airports or Airstrips (Less than Significant)
- (h) Fire Hazard Based on Project Location (Less than Significant)

Finding

Changes or alterations have been required in or incorporated into the Project, which mitigate or avoid the significant effects on the environment, as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding hazards and hazardous materials in Section 5.7, Hazards And Hazardous Materials, of the Draft EIR and the 2006 Phase I Environmental Assessment, provided in Appendix F of the Draft EIR, which are incorporated by reference herein.

(a) Asbestos Containing Materials (ACMs) (Less than Significant Impact)

The Project would demolish the existing clubhouse and maintenance sheds, the large residential structure south of Mulholland Highway in the northern portion of the Project site, and the restrooms currently located on the golf course. ACMs could be present in the building materials of these structures and could potentially be exposed during demolition. Federal and State regulations govern the renovation and demolition of structures where ACMs are present and all demolition activities that could result in the release of ACMs must be conducted according to federal and State standards. If ACMs are found, abatement of asbestos is required prior to any demolition activities. For this reason, the County requires that any person or entity applying for a demolition permit for an existing building with potential to contain ACMs provide a copy of the qualifications/license of the asbestos abatement contractor that will perform the abatement or removal of any asbestos to the County of Los Angeles Department of Public Works Building and Safety Division. This information must be provided prior to the issuance of a demolition permit. If required, the Applicant would also prepare and submit a Hazardous Building Materials Demolition Assessment and Management Plan to the SCAQMD for review and approval to ensure compliance with all applicable federal, State, and local laws and regulations. With testing and

remediation for ACMs during demolition activities in accordance with the applicable regulations, potential impacts regarding asbestos exposure would be reduced to less than significant.

(b) Lead Exposure (Less than Significant Impact)

Because of the age of some of the buildings to be demolished, there is a potential for demolition workers or handlers of the resultant debris to be exposed to lead that may be within any lead-based building materials, including lead-based paint, if these materials are improperly disturbed, removed, or disposed. Building components and fixtures with a potential for lead-containing coatings include, but are not limited to, walls, windows, doors, window/door jams, railings, poles, parking lot striping, and heating, ventilation and air conditioning (HVAC) equipment.

With testing and remediation for lead-based substances during demolition activities in accordance with the regulatory requirements cited in Section 5.7, Hazards and Hazardous Materials, and compliance with County of Los Angeles Department of Public Health regulations requiring removal by firms and individuals licensed to do such work pursuant to applicable regulations the Project's potential impacts regarding lead exposure would be less than significant.

(c) Pond Sediments (Less than Significant Impact with Mitigation)

During construction of the remodeled golf course, the Project would clean out the basins of onsite ponds, which are currently water features of the existing golf course to eradicate non-native species, including crayfish. While prior testing of the ponds did not indicate levels of contaminants above action levels, there is a potential to encounter contaminants during clean out of the ponds. With implementation of mitigation measure MM5.7-1, the potential impact would be reduced to less than significant.

(d) Biological Hazard (hantavirus) (Less than Significant Impact with Mitigation)

During demolition of the abandoned hunting lodge building, the disturbance of large amounts of rat feces and urine could potentially pose a biological hazard (e.g., hantavirus). With implementation of mitigation measure MM5.7-2, the potential impact would be reduced to less than significant.

(e) Soil Contamination (spilled fuel) (Less than Significant Impact with Mitigation)

An evaluation of the Project site in November 2012 reported some staining on the top and sides of an aboveground storage tank containing diesel fuel. This could be an indication that the soil in the vicinity of the tank may have absorbed some quantity of diesel fuel. If so, soils in this vicinity could potentially be classified as hazardous materials. With implementation of mitigation measure MM5.7-3, the potential impact would be reduced to less than significant.

(f) Use and Storage of Hazardous Materials (Less than Significant Impact with Mitigation)

Implementation of the Project would continue to involve the use and storage of some hazardous materials to be used on the Project site, primarily associated with golf course maintenance. The Project also would continue to store propane in onsite tanks for heating and cooking purposes. The risks associated with such materials are limited to those typically associated with commercial and residential uses (e.g., cleaning supplies, swimming pool maintenance, landscaping equipment and materials) and storage of heating fuels in residential areas where natural gas is not provided by a regional utility.

There are no existing or proposed schools or hospitals in the vicinity of the Project site. The nearest sensitive land use to the Project site are single-family residences located along the northern and western Project site boundary. The nearest of these residences is located approximately 1,200 feet west of the Project development area.

With implementation of mitigation measures MM5.7-3 and MM5.7-4, the potential impact from the use and storage of hazardous materials would be reduced to less than significant.

(g) Airports or Airstrips (Less than Significant Impact)

The Project site is not located within an airport land use plan or within two miles of a public airport or private airstrip. Therefore, the Project would not result in a safety hazard for people residing or working in the project area.

(h) Fire Hazard Based on Project Location (Less than Significant Impact)

The Project site is located in a Very High Fire Hazard Severity Zone as is the majority of development within the Santa Monica Mountains. Fire hazard risks and mitigations regarding access and fire flow water pressure are discussed in Section 5.14.1, Public Services – Fire Protection. There is no development of industrial facilities such as refineries, flammables, and explosives manufacturing in the vicinity that would pose a dangerous fire hazard.

Although the Project would develop land uses in an area subject to wildfires, its occupants and/or property would be adequately protected from wildfires by incorporation of sprinkler systems, green roofs, adequate emergency vehicle access, fuel modification zones for vegetation management, and emergency helicopter access.

The increase in the number of visitors to the Project site with completion of the Project would not substantially increase the possibility of an occurrence of human-caused wildfires following the implementation of the Project plan and provisions.

Project area roadways would typically not be used for emergency evacuations for City of Malibu residents, which would use Pacific Coast Highway to the east and west rather than mountain roads such as Encinal Canyon Road.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant hazard and hazardous material impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following project design features and mitigation measures:

MM5.7-1 If previously unidentified soil contamination is observed by sight or smell or indicated by testing by a qualified professional using a portable volatile organic compound analyzer during excavation and grading activities associated with removal of pond sediments or in areas used for storage of fuels or pesticides, excavation and grading within such an area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up measures are implemented, as contained in the South Coast Air Quality Management District's Rule 1166, to make the area suitable for grading activities to resume. In the event contamination is found, the Applicant shall notify the Los Angeles County Fire Department, the South Coast Air Quality Management District, and/or the California Department of Toxic Substances Control, as applicable. The contaminated soil shall be evaluated and

excavated/disposed of, treated in-situ (in-place), or otherwise managed and disposed of in accordance with all applicable federal, State, and local laws and regulations.

MM5.7-2 Prior to the commencement of demolition of the abandoned residence/hunting lodge building, appropriate biological samples shall be collected and analyzed to determine if conditions represent a biological hazard (e.g. hantavirus) due to large amounts of rat feces and urine. Prior to entering the building, appropriate personal protection equipment shall be worn by all personnel.

MM5.7-3 All hazardous materials within the Project site shall be acquired, handled, used, stored, transported, and disposed of in accordance with all applicable federal, State, and local requirements.

MM5.7-4 Prior to any storage or usage of regulated hazardous materials onsite (including pool maintenance chemicals, fertilizers, herbicides, pesticides, insecticides, lubricants, etc.), the Applicant shall obtain approval from the Los Angeles County Fire Department for a Hazardous Materials Business Plan (HMBP) covering the use and storage of all regulated hazardous chemicals and materials to be used and/or stored onsite. Qualified environmental personnel or safety engineers shall develop and implement a business plan and a health and safety plan in order to ensure that compliance issues regarding the proper containment, usage, disposal and transportation practices are used, if required.

MM5.7-5 Prior to occupancy, the payment of a Development Impact Mitigation Fee for the benefit of the Consolidated Fire Protection District would be required, for the purpose of supplementing funds for the acquisition, construction, improvement and equipping of facilities necessary to deliver fire protection services within the County. The fee shall be based on the applicable County of Los Angeles Developer Fee Program, last updated on November 27, 2012, to be effective February 1, 2013. The current Developer Fee Program for Area of Benefit 1, which includes the Project site, provides for collection of \$0.9292 per square foot for new floor area development. Administration and collection of the Developer Fee shall be the responsibility of the Consolidated Fire Protection District of Los Angeles County.

3.8 HYDROLOGY AND WATER QUALITY

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Water Quality (Less than Significant Impact)
- (b) Drainage Pattern Alteration (Less than Significant Impact)
- (c) NPDES (Less than Significant Impact with Mitigation)
- (d) Low Impact Development (Less than Significant Impact)
- (e) Areas of Special Biological Significance (Less than Significant Impact with Mitigation)
- (f) Onsite Wastewater Treatment (Less than Significant Impact with Mitigation)
- (g) Degrade Water Quality (Less than Significant Impact with Mitigation)
- (h) Flood Hazards (Less than Significant Impact)
- (i) Seiche, Tsunami, and Mudflow (Less than Significant Impact)

Finding

Changes or alterations have been required in or incorporated into the Project, which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding hydrology and water quality in Section 5.8, Hydrology and Water Quality, of the Draft EIR and the Water Sample Analysis Results Report from the Existing Groundwater Monitoring Wells, Water Quality and Hydromodification Technical Report, Triad/Holmes Associates and Malibu Institute Drainage Concept/Hydrology Report for TR071735, and Preliminary Water System Design Report provided in Appendices G.1 through G.2 of the Draft EIR, which are incorporated by reference herein.

(a) Water Quality (Less than Significant Impact)

Total Suspended Solids (TSS)

The TSS concentration would be expected to increase marginally from 106 mg/L in the existing condition to 115 mg/L in the proposed condition (with BMPs), while the average annual TSS load would be expected to decrease by 11% in Project stormwater runoff due to volume loss and treatment capabilities of the proposed BMPs. The slight increase in TSS concentration only would be partly attributed to the introduction of HDSF Residential land use (TSS EMC = 124 mg/L), which has a higher EMC value than the golf course land use (TSS EMC = 38 mg/L) it is replacing and by the volume reduction achieved by the detention basins, which could increase concentration levels. When the 20.8-acre development area is analyzed separately, however, the concentration would decrease from 63 mg/L in the existing condition to 45 mg/L in the proposed condition (with BMPs), illustrating the development would not cause the increase in TSS concentrations.

The water quality criterion for TSS is narrative, and the predicted average annual TSS concentration in stormwater runoff from the Project site with implementation of BMPs could not be quantitatively assessed relative to a quantitative water quality criterion. With implementation of the Project's comprehensive site design, source control BMPs, and treatment control strategy, and the low predicted Project concentration, the TSS in stormwater runoff from the Project would not "cause a nuisance or adversely affect beneficial uses in the receiving waters," consistent with the Basin Plan's (1994) narrative objective, reducing the Project's impacts on beneficial uses to a less than significant level.

Nutrients

Average annual loads for Total Kjeldahl Nitrogen (TKN) and Total Phosphate (TP) are predicted to decrease with implementation of the Project by 35% and 34%, respectively. Average annual concentrations are similarly predicted to decrease through implementation of treatment BMPs by 22% and 21%, respectively. Although the nitrate concentration is expected to increase by 10%, the nitrate load is expected to decrease by 9% due to volume loss through implementation of BMPs. Also, the total nitrogen load (sum of TKN and nitrate loads) is predicted to decrease, from 375 lb/yr to 269 lb/yr (28% decrease).

The Basin Plan (1994) contains biostimulatory-based desired goals for total nitrogen. The combined predicted average annual concentration for nitrate and TKN is higher than the desired goal for total nitrogen of 1.0 mg/L. The predicted average annual concentration for TP is also higher than the desired goal of 0.1 mg/L. However, if no BMPs were implemented at the site, the proposed conditions would increase these pollutant concentrations above the concentrations estimated for the existing conditions and

land uses; with the BMPs, the Project would improve nutrient loadings as compared to current conditions for TKN and TP. Nitrate concentration also would increase according to the model because the largest source and highest concentration of nitrate would be from open space under the existing and proposed conditions. However, in the proposed condition, there would be less runoff from the development area than in the existing condition, which would have the effect of providing less “dilution” for the runoff from open space and would explain the increase in concentration.

Source control BMPs target nutrients and include the use of integrated pest management practices for golf courses and common area landscape management, the development of a Golf Course Water Quality Management Plan (including plans for optimized fertilizer application practices), the use of native and/or non-invasive vegetation, and the use of efficient irrigation systems in common and golf course areas, all consistent with the County’s LID requirements.

Implementation of comprehensive site design, source control BMPs, and treatment control BMPs would achieve a significant overall reduction in nutrient loads as compared to the existing condition but would not achieve results consistent with the targets established by the CUP. However, with consideration for the type of use proposed and the current available technology and material available, the Project would meet the Best Available Technology (BAT) standard of EPA and the MEP standard of the County and, on that basis, Project impacts would be less than significant.

Metals

Average annual loads for total copper, total lead, and total zinc are predicted to decrease by 38%, 22%, and 54%, respectively, from the existing to proposed condition, based on changes in land use, volume reduction, and treatment within BMPs. Average annual concentrations of these metals are also predicted to decrease by 26%, 6%, and 45%, respectively. Specific source controls that would be implemented to minimize increases in trace metals include directing drainage from impervious areas to vegetated BMPs. Source controls that target metals include education and training for site operators and information for guests, as well as proper maintenance of BMPs.

The CTR criteria are the applicable water quality objectives for protection of aquatic life and are expressed for acute (1 hour) and chronic (4-day average) conditions; however, only acute conditions were considered to be applicable for Project stormwater discharges because the duration of stormwater discharge is consistently less than 4 days. The comparison of the predicted average annual stormwater discharge concentrations for the proposed condition to the benchmark CTR values shows that total lead, copper, and zinc concentrations would be less than the benchmark water quality criteria. With implementation of the previously described water quality BMPs, the Project’s impacts on surface water quality resulting from the discharge of metals impacts would be reduced to a less than significant level.

Pesticides

Pesticides would be of concern where maintenance practices involve the application of persistent organochlorine pesticides. Project operation would include periodic application of pesticides to landscaped areas including lawns, gardens, and the golf course.

Diazinon and chlorpyrifos are two pesticides of concern due to their potential toxicity in receiving waters. The EPA has banned all indoor uses of diazinon in 2002 and stopped all sales for all outdoor non-agricultural use in 2003 (EPA, June, 2002). With no agricultural uses planned for the Project, diazinon would not be used. The EPA also has phased out most indoor and outdoor residential uses of chlorpyrifos and has stopped all non-residential uses where children may be exposed. For these reasons, the use of chlorpyrifos on the Project site would not occur, with the possible exception of emergency fire ant

eradication until such time as reasonable alternative products become available and only with appropriate application practices in accordance with the golf course and landscape pesticide management program.

Source control measures such as education programs for employees in the proper application, storage, and disposal of pesticides would be implemented. Most pesticides, including historical pesticides that may still be present on the site, are relatively insoluble in water and tend to adhere to the surfaces of sediment, which would be stabilized with development or, if eroded, would be settled or filtered out of the water column by the Project's water quality treatment BMPs. Stormwater treatment provided for removal of TSS, such as the bioretention areas, vegetated swales, media filtration areas, and detention basins, would also achieve some removal of pesticides.

Careful selection, storage, and application of these chemicals would help reduce adverse water quality impacts. Removal of sediments using the treatment and source control BMPs also would remove sediment-adsorbed pesticides. Based on the incorporation of previously described site design, source control BMPs, and treatment control BMPs potential post-development impacts associated with pesticides would be reduced to a less than significant level.

Pathogens

Pathogens are viruses, bacteria, and protozoa that can cause illness in humans. Traditionally water managers have relied on measuring "pathogen indicators", such as total and fecal coliform, as an indirect measure of the presence of pathogens. Potential sources of pathogen indicators include birds and other wildlife, domesticated animals and pets, soils, and plant matter. Anthropogenic sources may include poorly functioning septic systems, cross-connections between sewer and storm drains, and the utilization of outdoor areas for human waste disposal by people without access to indoor sanitary facilities.

The primary sources of fecal coliform from the Project site would be sediment, wildlife, and growth in the storm drain system itself. Other sources of pathogens and pathogen indicators, such as cross-connections between sanitary and storm sewers, would be unlikely given the proposed modern wastewater treatment facilities proposed for the Project and inspection and maintenance practices following the facility's construction.

The treatment processes that would be used at the Project site in bioswales would involve sunlight (ultraviolet light) degradation, sedimentation, and infiltration, all of which would reduce pathogen concentrations and loads. The proposed swales would be located on relatively infiltrative soils. Pathogen removal by filtration is a common and effective practice in wastewater treatment. In addition to removal/treatment by vegetated swales, sand caps would be proposed for the Project's golf course.

The Project would include source and treatment control BMPs to manage pathogen indicators and to reduce their loadings. With implementation of these BMPs potential post-development impacts from pathogens would be less than significant.

Hydrocarbons

Various forms of hydrocarbons (oil and grease) are common constituents associated with urban runoff; however, these constituents are difficult to measure and are typically measured with grab samples, making it difficult to develop reliable EMCs for modeling. Based on this consideration, hydrocarbons were not modeled but are addressed qualitatively.

The concentration of hydrocarbons in runoff would be expected to decrease under post-development conditions due to the treatment BMPs that would be installed with development of the Project. In addition, source control BMPs that address petroleum hydrocarbons would include educational materials on used oil programs, carpooling, and public transportation alternatives to driving, BMP maintenance, and street sweeping private streets. The parking lot site design, source controls, treatment BMPs, and vegetation and soils within the treatment control BMPs would adsorb the low anticipated levels of emulsified oils in the Project's stormwater runoff, significantly reducing discharge of hydrocarbons and visible film in the discharge or the coating of objects in the receiving water. Hydrocarbon concentrations in post-development runoff discharges would be a less than significant level of impact on receiving waters.

During the construction phase of the Project, hydrocarbons in site runoff could result from construction equipment/vehicle fueling or spills. Pursuant to the Construction General Permit, the Construction Stormwater Pollution Prevention Plan (SWPPP) must include BMPs that address proper handling of petroleum products on the construction site, and those BMPs must effectively prevent the release of hydrocarbons to runoff based on the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards. PAH that are adsorbed to sediment during the construction phase would be effectively controlled through the use of the erosion and sediment control BMPs previously described. With these BMPs in place, construction-related impacts to water quality due to hydrocarbons would be reduced to a less than significant level.

Trash and Debris - Operations

During the Project's operational phase, BMPs including source control and treatment BMPs would minimize the adverse impacts of trash and debris and would reduce them as compared to existing conditions. Proposed source controls include public education and storm drain stenciling, which would be effective in reducing the amount of trash and debris that would be available for mobilization during wet and dry weather events. Other mitigation would include implementation of common area litter control practices that would include a litter patrol, covered trash receptacles, and emptying of trash receptacles in a timely fashion. Catch basin inserts would be provided for parking lot inlets when stormwater is routed to a belowground inlet. These BMPs would remove or prevent the release of floating materials, including solids, liquids, foam, or scum from runoff discharges and would prevent impacts on dissolved oxygen in the receiving water. With implementation of source control and treatment BMPs the Project's post-development trash and debris impacts on receiving waters would be less than significant.

Trash and Debris - Construction

During the construction phase, there would be potential for an increase in trash and debris loads due to lack of good housekeeping practices on the part of contractor and construction workers. As required by the Construction General Permit, the SWPPP prepared for the Project site would include BMPs for trash control (catch basin inserts, good housekeeping practices, etc.) that would be monitored by the County and the RWQCB. Consistent compliance with SWPPP requirements that meet the BAT/BCT standard would reduce impacts from trash and debris during the construction phase to a less than significant level.

Oxygen Demanding Substances

Concentrations of the oxygen demanding substances, including total nitrogen (TN) and total phosphate (TP), in stormwater runoff, are expected to decrease after Project construction. BMPs for application, use, and management of fertilizers during the pre- and post-construction periods would be a part of the integrated Fertilizer and Pest Management Program required by the County. Structural controls such as

proper covering of trash bins and landscape maintenance storage areas would be employed to reduce potential for rainfall to come in contact with refuse, oil, grease, and other organic matter such as grass clippings.

Project compliance with the provisions of the Fertilizer and Pest Management Program and compliance with the requirements of the County's MS4 Permit and implementation plans would reduce Project water quality impacts and reduce release and downstream loading of Project-generated oxygen demanding substances to a less than significant level.

Temperature

Infiltration basins, pervious pavement, green roofs, bioretention, sand caps, and bioswales sized to meet or exceed regulatory requirements would be used to treat stormwater from the Project site and reduce potential water quality impacts. These BMPs would reduce water temperature by slowing down runoff, increasing infiltration, increasing base flows, and reducing the total amount of water discharging to the creek. Beneficial uses for the Project's receiving waters include warm freshwater habitat. Accordingly, warm water runoff resulting from post-development BMPs would be less than significant even without implementation of the proposed BMPs.

pH

The Basin Plan (1994) does not consider reduction of the pH of inland surface waters below 6.5 or the increase of the pH above 8.5 as a result of waste discharges either desirable or adversely impactful. The pH of pure water is very close to 7. Acids have a pH less than 7 while bases have a pH greater than 7. Because it has a pH of 7, water is considered to be neutral. Water with a pH less than 6.5 is considered acidic. This water typically is corrosive and soft. Water with a pH higher than 8.5 is considered basic or alkaline. The Basin Plan provides for ambient pH levels that do not change more than 0.5 units from natural conditions as a result of waste discharge. Existing water sampling data from the Project site's most downstream point demonstrates that existing pH levels average 7.35 at the site. These results provide consistent supporting evidence that effluent pH from the Project site would fall within the acceptable pH range as defined by the Basin Plan. Constituents that may cause toxicity can include trace metals (e.g., copper, lead, and zinc), pesticides, and polycyclic aromatic hydrocarbons. The Project would include source and treatment control BMPs to manage toxicity indicators and to reduce their loadings. With implementation of these BMPs potential post-development impacts from pH would be less than significant.

Dry Weather Related Impacts to Water Quality

Water quality effects during dry weather conditions may be considered significant pursuant to existing standards. Pollutants that tend to be associated with suspended solids (e.g., phosphorus, most trace metals, and some pesticides) are typically found in very low concentrations in dry weather flows from golf courses. Therefore, this discussion focuses on constituents that tend to be dissolved, (e.g., nitrate) or constituents that are so small as to be effectively transported, (e.g., pathogen indicators). A combination of efficient irrigation practices as a source control BMP and the use of infiltration-type treatment control BMPs such as those incorporated into this Project would ensure that dry weather flows from pervious Project site areas are captured to the maximum extent practicable. The redesigned golf course would be constructed with water conservation features that would reduce irrigation demands by approximately 32 percent as compared to the existing condition. The Project would control landscape watering with advanced metering systems. Moreover, any dry weather flows would be routed to the above referenced LID BMPs, which would completely contain them and reducing the Project's dry weather water quality impacts to a less than significant level.

The incorporation of effective, County-approved LID and hydromodification BMPs as identified and discussed in this analysis would ensure that the Project would not violate any water quality or waste discharge requirements.

All or a portion of the Project site overlies a lower and an upper aquifer that, is not considered a groundwater basin. Nonetheless, the lower aquifer is the source of groundwater pumped by six working wells on the Project site. The wells are approximately 300 to 400 feet in depth, which is thought to be the probable depth of the lower aquifer. As noted in Section 5.8-1 of the Draft EIR, Existing Conditions – Regional and Site Groundwater, little is known about the hydrogeological characteristics of the lower aquifer and there is no known estimate of its capacity or recharge. The lower aquifer is overlain by volcanic bedrock, which may allow surface flows to percolate into the aquifer through cracks and other formations. What is known is that the groundwater quality is significantly better than the quality of surface water at the site.

The wells pumping water at the Project site have been in use at least since the original golf course was constructed in the 1970s and water has been pumped from the wells and used to help irrigate the golf course. The Project would reduce both the size of the golf course greens and the amount of groundwater required for golf course irrigation by including recycled wastewater treated to a tertiary standard as part of the mix of irrigation water sources. Additionally, LID BMPs would also increase groundwater recharge. Accordingly, it is unlikely the Project would result in a net deficit in aquifer volume or a drop in the local groundwater table. The production rate capacity of the onsite well would remain the same, although the level of production required would likely decline. Overall, the development of the Project would have a beneficial impact on the lower aquifer and its net capacity.

Approximately 19 acres of the northern portion of the Project site, located outside of the development area, contribute to the Hidden Valley groundwater basin, as defined in the Basin Plan (1994). Although the majority of this portion of the Project site does not overlie the Hidden Valley Basin, surface runoff that infiltrates within the Carlisle Canyon watershed ultimately recharges the Hidden Valley Basin.

The Basin Plan (1994) lists Hidden Valley groundwater basin water quality objectives for bacteria, chemical constituents, pesticides, radioactivity, salinity, tastes and odors, and toxicity. These water quality objectives are applicable to all groundwater basins, regardless of beneficial use. However, the development area of the Project site is located within the Trancas Canyon Creek watershed and, therefore, would not interfere with recharge of the Hidden Valley groundwater basin nor contribute anything other than naturally occurring constituents to it. There is no proven hydrologic connection between Trancas Canyon Creek and the Malibu Valley Groundwater Basin, the only other known groundwater basin in the general area of the Project. Therefore, development of the Project would neither deplete groundwater supplies nor interfere with groundwater recharge in either known groundwater basin in its vicinity and would have no impact as regards this threshold.

(b) Drainage Pattern Alteration (Less than Significant Impact)

Hydromodification

Significant adverse hydromodification impacts are presumed to occur if the Project would substantially alter the existing drainage pattern of a natural drainage, stream, or river causing substantial erosion, siltation, or channel instability in a manner that adversely affects beneficial uses.

Three strategies would be used by the Project to prevent and control hydromodification impacts to the natural drainage:

- Preservation of natural hydrologic conditions;
- Project-based hydrologic source control; and
- Project-based flow control.

As a result, the flow rates, velocities, depth/width ratios, and total storm volumes that could occur during 2-, 5-, 10-, 25-, 50-year and the Capital Flood storm levels would not be expected to increase over existing conditions.

Hydromodification controls would include:

- Preservation of 81% of the site's current natural hydrologic features;
- No increase in overall Project site imperviousness;
- Incorporation of LID BMPs which cumulatively would allow infiltration of the LID/SUSMP 85th percentile 24-hour storm; and
- Inclusion of two outlet controlled detention basins, which would control flows associated with storm events exceeding the 85th percentile 24-hour storm event up to the 50-year 24-hour storm event.

The entire volume from the 85th percentile 24-hour storm would be mitigated with implementation of the BMPs required or proposed for the Project site, resulting in post-developed peak flows, velocities, and depth/width ratios that are lower than existing conditions and, therefore, consistent with this performance standard. The proposed runoff rates were modeled based on inclusion of the detention facilities, which are designed to maintain the undeveloped flow rate.

Because sediment has historically been deposited and trapped on the golf course, post-development sediment delivery would continue to be very low. Project development would not result in an increase in the impervious area of the Project site when compared to the existing condition and landscape would provide additional slope stabilization, limiting any increase in sediment delivery from that source. Since onsite hydromodification control BMPs are designed to meet the Project's hydromodification control performance standard they would protect the Project's receiving waters from excessive erosion and degradation caused by discharges from the Project. In this manner hydromodification impacts resulting from the Project would be less than significant.

Offsite and Onsite Flooding

Within the development area, storm drainage facilities would be designed to handle up to a level of a Capital Flood event (50-year burned and bulked) intensity storm (Capital Storm) to convey runoff levels that would not interfere with operations and would be conveyed to the detention basins. These proposed storm drainage facilities include curbs, gutters, swales, bioswales, inlets, pipes, and outlets. The maximum runoff developed in the site area is 38.2 cfs, developed in a 50-year storm as controlled by an outflow device after detention. As there would be no change in the characteristics of flow to the offsite runoff downstream of the site, the Project's impacts would be less than significant.

Storm Water Drainage Systems

With implementation of the proposed BMPs, average annual runoff volume would be expected to decrease from 53.7 ac-ft./year in the existing condition to 44.6 acre-feet per year, or approximately 17 percent. This volume reduction would be attributable to a decrease in imperviousness due to

implementation of Project design features including green roofs, bioretention, pervious pavement, and the volume reduction achieved within the infiltration basins and golf course sand caps.

Because onsite runoff can exceed the onsite storm drainage facility capacity, Triad/Holmes performed hydraulic analysis to determine the potential flood elevations onsite in overland sheet flow conditions onsite. Most of the existing storm drain facilities have the capacity for 2- to 5-year intensity storms, with the exception of the 66-inch culvert between the water feature and its point of discharge, which can handle a 50-year storm. A Capital Flood event (50-year burned and bulked conditions) would exceed all of the existing onsite storm drainage facility capacities, either existing or planned. However, all flows in excess of existing and/or planned storm drain facilities would be retained onsite within and on the golf course greens, would release slowly or percolate into the underlying soil and sand cap, and would not threaten downstream properties. In a Capital Storm Event, the culvert under Encinal Canyon Road would not be overtopped. Sediment carried by flows would be deposited on the golf course.

Requirements for continuing onsite maintenance and storage of potentially polluting chemicals, trash and debris, should ensure that runoff water would not provide additional sources of polluted water. Use of pesticides, herbicides, and fertilizer as well as other pollutants of concern would be reduced through compliance with NPDES permit conditions and County LID Ordinance requirements, and the implementation the BMPs previously cited, resulting in a less than significant impact.

(c) NPDES (Less than Significant Impact with Mitigation)

Construction General Permit

Construction phase impacts to site hydrology would be minimized through compliance with the regulatory requirements of the Construction General Permit as implemented by the Project's SWPPP. Current regulations require inclusion of effective erosion and sediment control BMPs that would at least meet and potentially exceed the Project's determined risk level pursuant to the Construction General Permit, in addition to any BMPs that would control the other potential construction-related pollutants. A Construction Site Monitoring Program that identifies monitoring and sampling requirements during construction would be a required component of the SWPPP. Most construction projects are categorized as a Risk Level 2. BMPs contemplated for the Project and reflected in the Construction General Permit SWPPP would be developed assuming this level of risk. In the event analysis of the Project's final design analysis indicates that the Project would fall under Risk Level 3, additional Level 3 permit requirements would be implemented as part of the SWPPP pursuant to existing regulations. Implementation of the requirements of the Project's SWPPP and implementation of mitigation measure MM 5.8-1 would reduce potential construction phase impacts to water quality due to erosion and sediments to a less than significant level.

Dewatering

Implementation of the regulatory requirements contained in the General Order for Dewatering would minimize impacts from construction dewatering and other non-stormwater discharges to the extent feasible. Construction on the Project site would not, for the most part, penetrate below the water table and dewatering would not be required. One portion of the site has evidence of perched water at a depth of 13 feet bgs. This location also is proposed as the location of one of the subsurface detention facilities and/or the wastewater treatment facility. The depth of excavation required for facility installation may require dewatering. Trenching required for installation of sewer lines to the treatment facility also may require construction dewatering. In the event dewatering is required during construction, effluent would be screened for priority pollutants prior to discharge to ensure no pollutants of concern are present that would preclude coverage under the General Order. The Project would comply with numeric effluent

limitations, conduct effluent and receiving water monitoring during the discharge, and submit a discharge report to the Los Angeles Regional Water Quality Control Board for every discharge. Implementation of these requirements and compliance with the General Order for Dewatering would reduce Project impacts associated with potential discharge of priority pollutants as a result of construction phase dewatering to a less than significant level.

MS4 Related Impacts

The Project would be required by existing regulations to meet the water quality performance criteria of the County's MS4 NPDES Permit. As previously noted, the Project's hydrologist used the Nomograph Method, presented in the Orange County Technical Guidance Document (OCPW, 2011) used to determine the percent capture (treatment) volume of the detention basins in the development area. In this analysis, no upstream hydrologic source controls (i.e. swales, biofilters, green roofs, etc.) were considered as part of the capture efficiency of the Project area.

The sand cap underlying the golf course would be sized to meet or exceed the County's flow and volume-based BMP design requirements as described in the MS4 Permit. An assumption of 80 percent volume capture is considered reasonable and conservative. Thirty percent volume reduction was conservatively estimated for the Project's infiltration basins.

Average annual pollutant concentrations were determined by dividing average annual total pollutant loads by average annual runoff volumes for each pollutant and for the existing and proposed Project site condition.

As noted in the Methodology portion of the Analysis section, satisfaction of the MS4 Permit requirements for new development and redevelopment would establish compliance with water quality regulatory requirements applicable to stormwater runoff. Under the regulations in the permit, the effectiveness of stormwater treatment controls is demonstrated by the ability to infiltrate, harvest, and/or biotreat runoff from the 85th percentile rainfall event or the 0.75-inch event, with other types of treatment allowed if these measures are demonstrated to be infeasible onsite. As indicated above, the BMPs proposed for incorporation into the Project design would accomplish the level of reduction required pursuant to the MS4 Permit, achieving a less than significant impact.

(d) Low Impact Development (Less than Significant Impact)

Chapter 12.84 of the Los Angeles County Code requires the use of low impact development (LID) standards in development projects. This chapter applies to all development within the unincorporated area of the County after January 1, 2009.

LACDPW has developed a LID Standards Manual that outlines stormwater runoff quantity and quality control development principles, technologies, and design standards for achieving the LID Standards of Large Scale Residential and Nonresidential Development projects, which are required to prioritize the selection of BMPs to treat stormwater pollutants, reduce stormwater runoff volume, and promote groundwater infiltration and stormwater reuse in an integrated approach to protecting water quality and managing water resources. The Manual states BMPs should be implemented in the following order of preference:

- BMPs that promote infiltration;
- BMPs that store and beneficially use stormwater runoff; and

- BMPs that utilize runoff for other water conservation uses including, but not limited to BMPs that incorporated vegetation to promote pollutant removal and runoff volume reduction and integrated multiple uses, and BMPs that percolate runoff through engineered soil and allow is to discharge downstream slowly.

The Project employs a variety of LID BMPs that achieve the LID Standards for projects of its size. This includes the use of bioswales, a sand cap under the golf course greens, green roofs and extensive undisturbed and/or vegetated open space to reduce stormwater runoff volume through the infiltration of storm flows. The storm flows thus captured and infiltrated reduce the need for mechanical irrigation and support the re-establishment of native vegetation, allowing for an integrated approach to the protection of water quality and the reuse of water resources. In addition, the Project incorporates detention basins that also provide a treatment function for first flows, assuring that storm flows downstream are maintained onsite to avoid flooding. Since a lower aquifer is known to exist under some portion of the site, the use of both mechanical and non-mechanical retention and infiltration BMPs permits percolation of storm flows into the aquifer over time, ensuring its replenishment. This groundwater pumped by six working wells is used to supplement water supplied by LVMWD for use in landscape irrigation. Irrigation water would be further supplemented by recycled water from the Project's onsite wastewater treatment facility. Pervious paving will replace over 50 percent of currently paved areas that are now impervious, increasing the amount of infiltration available on the site, consistent with County LID requirements. All site BMPs would be designed in accordance with the provisions and guidance provided by the County LID Standards Manual (2009). Compliance with LID Ordinance requirements would ensure less than significant impacts associated with design and implementation of LID BMPs.

(e) Areas of Special Biological Significance (Less than Significant Impact with Mitigation)

Areas of Special Biological Significance (ASBS) are areas designated by the SWRCB for the protection of sensitive marine species or biological communities from undesirable alterations in natural water quality (SWRCB 1979). The SWRCB has developed regulations and procedures related specifically to ASBS and contain certain prohibitions related to flows into ASBS. The standard for water quality protection in an ASBS is "natural water quality."

Currently, drainage from the Project site travels south via Trancas Canyon Creek and discharges in the Laguna Point to Latigo Point Area of Special Biological Significance (LPLP-ASBS – Index No. 24), designated in 1974. The LPLP-ASBS covers 11,842 acres of coastal land and extends from Ventura County through the western portion of Los Angeles County. The study found that differences from natural water quality were relatively infrequent at ASBS discharge sites and significant toxicity was not observed.

Regional sampling efforts were undertaken in 2008 and 2011. Among the areas sampled for discharge related changes between dry and post-storm discharges was Broad Beach (Trancas Beach) near the mouth of Trancas Canyon Creek. As previously noted, Trancas Canyon Creek is not considered impaired and studies of pollutants impacting the Trancas Lagoon and Broad (Trancas) Beach have been generally traced to near-coastal development rather than discharges originating from the Creek. The Project site, located approximately 4 miles from the coast, discharges into Trancas Canyon Creek and therefore does not contribute pollutants to an impaired water body that discharges either point or non-point source pollutants into the Laguna Point to Latigo Point Area of Special Biological Significance. Compliance with the Project's permits, regulatory requirements, and mitigation measure MM 5.8-1 would reduce impacts to less than significant.

(f) Onsite Wastewater Treatment (Less than Significant Impact with Mitigation)

The Project would use an onsite wastewater treatment system that allows the collection of wastewater water and provides for its treatment to tertiary standards and subsequent use as recycled water for irrigation. Solids are held in tanks located in close proximity to generating structures. All portions of the system maintain a minimum 100-foot setback from any groundwater well. Groundwater at the Project site is generally found at considerable depth. Perched water was found in only one boring at a depth of 15 feet in an area where alluvium deposits over volcanic bedrock was at its deepest (approximately 24 feet), in proximity to the southeastern edge of the bungalows. Gravity lines carrying effluent to the treatment plant are located approximately 100 feet from the location of the borehole and with appropriate maintenance, there would be no interaction between perching groundwater and piped effluent.

Trancas Canyon Creek's mainstem began on the Project site prior to its original development, but is now confined to a subsurface culvert. Given the type of onsite wastewater system, and the depth to the actual underlying aquifer, the Project's wastewater system would be appropriate to the site's geology and would not result in any adverse consequences to either surface flows or groundwater.

Permits for the construction of the wastewater treatment facilities must be obtained from the Regional Water Quality Control Board and the system would be operated pursuant to the conditions and requirements imposed by the RWQCB. Mitigation measure MM 5.8-2 requires removal of all existing septic systems on the site with the exception of the septic system serving the caretaker's residence and their replacement with the proposed onsite wastewater treatment system in a manner compliant with Title 22. With compliance with County Code and the implementation of mitigation measure MM 5.8-2, the Project's impacts would be less than significant.

(g) Degrade Water Quality (Less than Significant Impact with Mitigation)

The Project would not degrade either surface or groundwater quality. For every pollutant analyzed, the Project's development would result in either no change or a beneficial change in discharges associated with the construction and operation of the Project compared to existing conditions. Although the existing CUP for the Project site includes a target standard for combined nitrogen of 1 mg/L, the State or County does not use that standard as a target standard in any other location, and in general, 10 mg/L is the State target standard for combined nitrogen. Even with implementation of the Best Available Technology (BAT), the CUP target of 1 mg/L could not be achieved; however, the more common standard of 10 mg/L would not be exceeded with Project implementation. Therefore, water quality impacts would be less than significant by compliance with existing regulations, laws, policies, and ordinances, and the Project would not result in the degradation of water quality as compared to the existing condition. Mitigation measure MM 5.8-1 would further reduce water quality impacts.

(h) Flood Hazards (Less than Significant Impact)

The only housing on the Project site is overnight accommodations in a group of bungalows set back from and above the grade of the golf course. The Project site is not located within a 100-year flood hazard area as mapped on any federal Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) or other flood hazard delineation map. A flood hazard analysis was performed for the Capital Flood event to determine flood hazard limits. Based on the preliminary site plan design elevations for buildings, shown on Tentative Tract Map 071735 and illustrated in Figure 5.8-6 (Development Area Capital Flood event storm boundaries), the finished floor of all buildings, including the bungalows, would be a minimum of two feet above the flood level elevations and approximately 50 horizontal feet from the nearest building.

Based on the drainage study, the Project would not place housing or other structures within the Capital Flood hazard limits. No obstructions that would impede or redirect flood flows would be created (Triad/Holmes, 2013). Neither people nor structures would be exposed to loss, injury or death as a result of onsite flooding within the golf course, as illustrated and no additional mitigation measures are required. The finished floor of all buildings were located outside of the highest maximum water elevation line within the golf course; therefore, no structures are located within a Capital Flood hazard area or in any location where they might impede or redirect flood flows.

Persons and structures would not be exposed to significant risk of loss, injury, or death involving flooding. In a Capital Storm event, the golf course would be closed to use. The Project is not located within the inundation area of any levee or dam. Therefore, Project impacts would be less than significant.

(i) Seiche, Tsunami, and Mudflow (Less than Significant Impact)

Seiche

The Project site would contain at least one aboveground water reservoir tank, golf course water features, a treated effluent pond, and a swimming pool, which could experience seiche conditions during strong seismic ground motion. Based on the locations of these features, if seiche conditions resulted in failure or overtopping of the above ground reservoir, golf course water features, or the effluent pond, water would flow onto the golf course and would not endanger persons or damage structures. Seiche conditions in the swimming pool would be too shallow to create damage to structures or danger to persons. Accordingly, a seiche would not adversely impact the Project.

Tsunami

The Project site is located within the area covered by the Local Coastal Plan; however, the site itself is approximately 4 miles from the coastline with a minimum elevation of 1,300 feet above mean sea level. For this reason, the Project site would not be affected by a tsunami.

Mudflow

The Project site is located within a valley surrounded by steep slopes and ridgelines that rise as much as 1,000 feet above the valley floor, where development would occur. Small streams and rills traverse the steep slopes and carry flows that are tributary to Trancas Canyon Creek, located on the Project site. The majority of these small tributaries converge at relatively small detention and/or sediment basins located around the boundary of the golf course. There is potential for any of these small drainages to carry mudflows in heavy precipitation events, since the area traversed is undeveloped. However, the onsite drainage pattern would direct such flows onto the golf course and away from buildings. The existing condition would remain unaltered with implementation of the Project. Therefore, buildings and structures on the Project site would not be adversely impacted by mudflows.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant Hydrology and Water Quality impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following mitigation measures:

MM5.8-1 All grading associated with the implementation of the Project shall take place within the previously disturbed areas of the existing Malibu Golf Club, including the fairways, tee boxes, and greens.

MM5.8-2 The Project shall remove all septic tanks throughout the Project site with the exception of the septic tank serving the caretaker's house in the northern portion of the Project site, and shall install an onsite wastewater treatment system with effluent meeting Title 22 standards for reuse as irrigation for the remodeled golf course.

3.9 LAND USE

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Division of an established community (Less than Significant Impact)
- (b) Consistency with County General Plan (Less than Significant Impact)
- (c) Consistency with Malibu Land Use Plan (Less than Significant Impact)
- (d) Hillside Management Criteria and SEA Conformance Criteria (Less than Significant Impact)
- (e) Consistency with Zoning Code (Less than Significant Impact)
- (f) Consistency with SCAG Regional Policies (Less than Significant Impact)
- (g) Habitat Conservation Plans (Less than Significant Impact)

Finding

Impacts related to Land Use would be less than significant without mitigation measures.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding land use planning and consistency in Section 5.9, Land Use, of the Draft EIR, which is incorporated by reference herein.

(a) Division of an established community (Less than Significant Impact)

All of the proposed development would occur within the footprint of the already disturbed and graded area of the Project site with the exception of the construction of two tee boxes and pathway to the tee boxes that would occur within undisturbed native habitat. No development is proposed outside the Project site as part of the Project, development would not involve acquisition of additional properties outside of the boundaries of the Project site, and no incursion into, or division of, existing surrounding land uses, including public open space, would occur as a result of Project implementation.

(b) Consistency with County General Plan (Less than Significant Impact)

The County's General Plan land use designation for the proposed development area on the Project site is Rural, Non-Urban Hillside. The Project would be consistent with all applicable General Plan policies and Project impacts would be considered less than significant with adherence to existing Codes and regulatory requirements and the implementation of appropriate mitigation measures provided for in the various sections of the Draft EIR.

(c) Consistency with Malibu Land Use Plan (Less than Significant Impact)

The Project's proposed uses (e.g., parking, recreational, educational, and overnight accommodations) are permitted by the Malibu Land Use Plan's designation for the development area of the Project site.

(d) Hillside Management Criteria and SEA Conformance Criteria (Less than Significant Impact)

The Project site is not located within an SEA, which is discussed in more detail in Section 5.3, Biological Resources, and as such would not conflict with SEA Conformance Criteria. The Project would not conflict with the County's Hillside Management Criteria, and would be consistent with General Conditions and Standards for Development for Non-Urban Hillside Development as provided in the General Plan. The Project also would be consistent with the General Plan Conservation and Open Space Element Policy COS 24 regarding protection of the natural and scenic character of hillside areas and reducing risks from fire, flood, mudslide, erosion, and landslides.

(e) Consistency with Zoning Code (Less than Significant Impact)

The development area of the Project site is zoned R-R-1 (Resort and Recreation) and A-1-1 (Light Agricultural). The Project's impacts related to consistency with the existing zoning designation would be less than significant.

(f) Consistency with SCAG Regional Policies (Less than Significant Impact)

The Project is located within the six-county Southern California Association of Governments (SCAG) region. An analysis of Project consistency with SCAG documents is required where a project is determined by SCAG to be of area-wide or regional significance. Since the Project is largely the redevelopment and expansion of an existing use, no such notification of significance was received from SCAG during the Project's scoping process and no policy-by-policy consistency analysis is required.

(g) Habitat Conservation Plans (Less than Significant Impact)

The Project is not located within an area covered by a Multiple Species Habitat Conservation Plan or Natural Community Conservation Plan. The Project site is, however, located within and adjacent to the Santa Monica Mountains National Recreation Area, which has adopted a General Management Plan that includes provisions for the preservation of resources within the publicly owned lands.

The Project would be consistent with the applicable goals of the NPS 2002 General Management Plan for the Santa Monica Mountains National Recreation Area, with implementation of required mitigation measures and compliance with all applicable County, state, and federal laws, regulations, and ordinances.

In conclusion, the Commission finds, based on substantial evidence in the record, land use planning impacts of the Malibu Institute Project would be less than significant, and no mitigation measures regarding these issues are required.

3.10 NOISE

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or less than significant impact with mitigation, as indicated in parentheses following each threshold issue:

- (a) Off-Site Short-Term Construction Noise (Less than Significant Impact)
- (b) Operational Noise (Less than Significant Impact)

- (c) Stationary Noise Impacts (Less than Significant Impact with Mitigation)
- (d) Vibration (Less than Significant Impact)
- (e) Air Travel Noise (Less than Significant Impact)

Finding

Changes or alterations have been required in or incorporated into the Project, which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding noise in Section 5.10, Noise, of the Draft EIR, which is incorporated by reference herein.

(a) Off-Site Short-Term Construction Noise (Less than Significant Impact)

Short-term construction noise impacts, which are dominated by large, earth-moving equipment, tend to occur in discrete phases and vary markedly because the noise strength of construction equipment ranges widely as a function of the equipment used and its activity level. Therefore, construction activities are treated separately in the County Code because they do not represent a chronic, permanent noise source. Project construction activities that would create short-term noise near the Project site would be generated on the southern and central portions of the site in connection with site preparation and construction of the development, primarily from heavy equipment used for demolition and/or earth-moving. Since point sources of noise emissions are atmospherically attenuated by a factor of 6 dB per doubling of distance, the loudest construction activities would require almost 280 feet of distance between the source and a nearby receiver to reduce the peak 90 dB source strength to the generally acceptable 75 dB exterior exposure level specified in the County Building Code. The nearest sensitive receptors to the Project site are single-family residences located along the northern and western Project site boundary. The nearest of these residences is located approximately 1,200 feet west of the Project development area. A County youth detention facility (Camp Kilpatrick) is located approximately 2,000 feet east of the Project site. The remainder of adjoining lands consists of public or private open space. Thus, the distance necessary to achieve acceptable noise attenuation during construction activities would be satisfied as the distance between any nearby receptors and the proposed development area of the Project site would exceed this 280-foot measurement. Therefore, construction noise impacts would be less than significant.

(b) Operational Noise (Less than Significant Impact with Mitigation)

Traffic Noise

Traffic generated by the Project could cause a +2.7 dB CNEL traffic noise increase at 50 feet from the roadway centerline along Encinal Canyon Road between the Project site and Kanan Road. This impact is less than the +3 dB CNEL significance threshold. Additionally, the only sensitive uses located along this roadway segment are the Camp Fred Miller and Camp Vernon Kilpatrick youth probation camps. Those facilities provide outdoor recreational areas located approximately 440 feet from the Encinal Canyon Road centerline. Based on future “with project” traffic noise levels of almost 61 dB CNEL at 50 feet from the Encinal Canyon centerline, the noise level would decrease to less than 47 dB CNEL at this greater setback distance. This noise level is much less than the recommended exterior recreational compatibility threshold of 65 dB CNEL for transitional living. Therefore, impacts to ambient noise levels in the Project vicinity from the additional traffic generated by the Project would be less than significant.

Traffic noise impacts to onsite uses

Traffic noise impacts to onsite Project uses from Encinal Canyon Road would not expose the Project site to high background noise levels. At the nearest proposed onsite use (security/information building), approximately 550 feet from Encinal Canyon Road, existing traffic noise would decrease to less than 42 dB CNEL. The calculated future “with project” traffic noise level of almost 61 dB at 50 feet from Encinal Canyon Road centerline would attenuate to 45 dB at the security/information building, which would be below the significance threshold of 50-70 dB for office buildings. Therefore, traffic noise on arterial roadways would not expose proposed onsite uses to noise levels in excess of recommended compatibility noise guidelines and would be less than significant.

Noise impacts to parking area

Based on a proposed total of 387 parking spaces onsite, the distance to the nearest off-site residence, and the vegetated surfaces of the intervening open space area, noise related to the parking area would not be perceptible at the nearest off-site sensitive use. Therefore, parking area noise impacts would be less than significant.

Stationary noise impacts

Sources of stationary noise during the Project’s operation would include the continued use of the existing PA system to announce golf-related information, outdoor events, and associated parking lot activity. Noise generated from outdoor amplified music can be as loud as 80 dB at a measured reference distance of 20 feet from the music or conversation source. Under line-of-sight conditions, spreading losses would reduce this noise level to 36 dB within 1,200 feet of the activity with undeveloped site conditions (undeveloped open space and vegetation as opposed to paved surfaces). Thus, amplified music would be lower than the daytime and nocturnal noise standard. However, since nocturnal background levels in the area are so low, amplified music could be clearly audible at night even if noise ordinance standards were not exceeded. With implementation of the required mitigation measure MM5.10-4, the impacts would be reduced to less than significant.

(c) Vibration (Less than Significant Impact)

Construction activity vibration

Construction activities generate ground-borne vibration when heavy equipment travels over unpaved surfaces or when it is engaged in soil movement. The effects of ground-borne vibration include discernable movement of building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. Within the “soft” sedimentary surfaces of much of Southern California, ground vibration is quickly damped out. The County standard (Ordinance 11778 Section 12.08.560) is 0.01 inches per second, which equates to 80 VdB. The nearest residences to the site are located approximately 1,000 feet or more at their nearest point. Due to the size of the golf course, this distance can be as much as 5,000 feet.

On-site construction equipment that will create the maximum potential vibration is a large bulldozer. The stated vibration source level in the FTA Handbook for such equipment is 81 VdB at 50 feet from the source. With typical vibrational energy spreading loss, the Los Angeles County vibration standard of 0.01 inches per second is met at 56 feet. At the closest residential use at more than 1,000 feet from the proposed development area, the vibration level would dissipate to 55 VdB, which is below the threshold of human perception. Similar to noise impacts, a doubling of vibration sources by operating an additional piece of identical equipment, results in a +3 VdB increase in vibration levels. At this rate of increase, the simultaneous operation of four or more of the largest bulldozers onsite at the point of the development

footprint nearest to any residence would result in vibration levels that would still remain below human perception at that distance, and well below levels that would result in an annoyance.

Operational Vibration Impacts

Golf course operations will entail use of small powered equipment that will operate hundreds of feet from off-site residences and create imperceptible vibration. Site-related traffic is the only source of potential vibration impact at off-site sensitive uses. The vibration level associated with a passing automobile on a paved road is typically 0.001 inch/second (FTA Manual, FTA-VA-90-1003-06, May, 2006), at 50 feet from the centerline. The County Vibration Ordinance perception threshold is 0.01 inch/second, or ten times less stringent than typical vehicular pass-by traffic. Therefore, vibration impacts would be less than significant.

(d) Air Travel Noise (Less than Significant Impact)

The Project site is not located within an airport land use plan area and is not within two miles of a public or private airport or airstrip. Noise impacts related to air travel would be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant noise impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following mitigation measures:

MM5.10-1 All construction and general maintenance activities, except in an emergency, shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and the hours of 7:00 a.m. to 7:00 p.m. on Saturday. Construction activities shall be prohibited on Sunday and legal holidays except for emergency maintenance or repair.

MM5.10-2 All onsite construction equipment shall be equipped with noise shielding and muffling devices. All equipment shall be properly maintained in accordance with manufacturers' specifications to assure that no additional noise, due to worn or improperly maintained parts is generated.

MM5.10-3 All construction staging areas shall be located at least 500 feet from the nearest homes at which point peak noise levels would have diminished by at least 20 dB from their near-source maximum levels.

MM5.10-4 Use of outdoor amplified music, sounds, or public address systems shall cease by 10:00 p.m., and shall not occur earlier than 10:00 a.m.

3.11 PUBLIC SERVICES—FIRE PROTECTION

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

(a) Impacts on LACFD Services (Less than Significant Impact)

Finding

The Project would result in less than significant impacts related to Fire Protection without mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding fire services in Section 5.11, Public Services—Fire Protection Services, of the Draft EIR, based on written correspondence with the Los Angeles County Fire Department (LACFD), which is incorporated by reference herein.

(a) Impacts on LACFD Services (Less than Significant Impact)

Although the Project would develop land uses in an area subject to wildfires, its occupants and/or property would be adequately protected from wildfires by incorporation of sprinkler systems, green roofs, adequate emergency vehicle access, the Fuel Modification Plan approved by the County Fire Department, which includes fuel modification zones for vegetation management, and emergency helicopter access.

The increase in the number of visitors to the Project site with completion of the Project would not substantially increase the possibility of an occurrence of human-caused wildfires following the implementation of the above-mentioned plan and provisions.

The Project's design and development plans would incorporate fire safety features and comply with applicable County Fire Code requirements and ordinances pertaining to building construction, site access, proximity to water mains, the adequacy of fire-flows, and the location of adequate numbers of fire hydrants.

Existing fire protection staff levels and equipment would adequately accommodate the demands for typical fire protection anticipated from the Project and, therefore, would not require the provision of additional staff and/or fire protection facilities. The LACFD also provides paramedic services (non-transport); in the event patient transport to a hospital is required, that function is provided by a private ambulance company, which would also be adequately accommodated by the internal circulation driveways and site access, as would firefighting apparatus.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant fire services impacts of the Malibu Institute Project would be less than significant.

3.12 PUBLIC SERVICES—SHERIFF PROTECTION SERVICES

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

(a) Impacts on LACSD Services (Less than Significant Impact)

Finding

The Project would result in less than significant impacts related to Police Protection without mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding law enforcement services in Section 5.11.2, Public Services—Sheriff Protection Services, of the Draft EIR, based on written correspondence with the Los Angeles County Sheriff's Department (LACSD), which is incorporated by reference herein.

(a) Impacts on LACSD Services (Less than Significant Impact)

Short-Term Construction Phase Impacts

The demand for law enforcement services generated by the Project during construction could be accommodated by existing LACSD staffing levels.

Operational Impacts

The bungalows would provide overnight accommodations and would cause temporary and minor increases in the area's population size, which could result in an increase in demand for law enforcement services. As stated in the LACSD's letters in response to the NOP for the Project and comments provided on the Draft EIR, the Project would have no effect on staffing or response times and thus would not require the provision of additional staff and/or sheriff protection facilities. However, due to the relatively remote location, response times for emergency services could be affected; therefore, the Project will develop an emergency management plan for distribution to guests and employees to guide an orderly response to an emergency situation prior to the arrival of first responders.

In conclusion, the Commission finds, based on substantial evidence in the record, Public Services-Police Protection Services impacts of the Malibu Institute Project would be less than significant.

3.13 RECREATION

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Temporary Impacts—Construction (Less than Significant Impact)
- (b) Onsite Recreation Impacts (Less than Significant Impact with Mitigation)
- (c) Open Space Connectivity (Less than Significant Impact)

Finding

The Project would result in less than significant recreation impacts with mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding recreation in Section 5.12, Recreation, of the Draft EIR, which is incorporated by reference herein.

(a) Off-site Recreation Impacts (Less than Significant Impact)

While the golf course is closed, an increase in the use of other nearby public golf courses may occur. Since the closure of the golf course would be temporary, however, it would not result in permanent impacts to public golf courses located nearby. At buildout, the Project's recreational amenities would minimize use of off-site recreational facilities by overnight guests by providing onsite recreational opportunities.

(b) Onsite Recreation Impacts (Less than Significant Impact with Mitigation)

The Project would include the development of recreational facilities, including a remodel of an existing golf course open to the public, and the construction of a fitness/wellness center and outdoor swimming pool provided as amenities for overnight guests. The potential for the Project's provision of these recreational facilities to result in adverse physical effects on the environment is evaluated along with the other proposed Project components. As the Project site is currently occupied by a public golf facility, the remodeled golf course would not result in adverse impacts relative to existing conditions. Mitigation has been identified to reduce any potential impacts from development of this Project to less than significant; therefore, impacts related to provision of recreational facilities would be less than significant with mitigation.

(c) Open Space Connectivity (Less than Significant Impact)

The Project does not propose development of any areas not currently developed. The Project would preserve over 450 acres of undeveloped open space. Therefore, the Project's impacts related to open space connectivity would be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant recreational resource impacts of the Malibu Institute Project would be less than significant. Additionally, potentially significant impacts related to the provision of recreation facilities on the Project site would be reduced to less than significant levels by implementation project of mitigation measures discussed throughout the Final EIR.

3.14 TRAFFIC AND ACCESS

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Traffic—Construction and Operation (Less than Significant Impact)
- (b) Congestion Management Program Intersections and Freeways (Less than Significant Impact)
- (c) Air Traffic Patterns (Less than Significant Impact)
- (d) Traffic Hazards—Construction and Operation (Less than Significant Impact)
- (e) Emergency Access—Construction and Operation (Less than Significant Impact)
- (f) Alternative Transportation Policies, Plans, Programs and Facilities (Less than Significant Impact)
- (g) Parking—Construction and Operation (Less than Significant Impact)

Finding

The Project would result in less than significant impacts related to Traffic and Access without mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding traffic, access, and parking in Section 5.13, Traffic and Access, of the Draft EIR and the Traffic and Circulation Study for Malibu Institute Project provided in Appendix H of the Draft EIR, which are incorporated by reference herein.

(a) Traffic—Construction and Operation (Less than Significant Impact)

Construction Traffic

During construction, the existing Malibu Golf Club would be closed, including the golf course, clubhouse, and restaurant, which would eliminate existing traffic generation under current conditions. Based upon Institute of Transportation Engineers (ITE) generation rates for golf courses, the existing facilities could generate a total of 643 ADT. The Project would not require import/export soil hauling, as all grading quantities would be balanced onsite. Construction period traffic would therefore consist of commuting workers accessing the site and material delivery vehicles, which would be offset by reductions due to cessation of current operations.

Assuming a worst-case scenario of peak activity for each component occurring on the same day, the Project construction period would result in a maximum of 90 workers onsite in a single day, with a maximum average of 9 delivery trucks per day. It is anticipated that many construction workers likely would carpool to the site, resulting in an estimated total of 138 Average Daily Trips (ADT) for employee and delivery vehicle trips accessing or departing the Project site. As the current operations of the existing Malibu Golf Club would cease during construction, the 138 ADT for construction traffic would be more than offset by the reduction of existing traffic generation. Additionally, construction traffic impacts would be further reduced as most of the worker commute trips would occur outside of the peak hour periods for weekday traffic since construction workers generally would arrive prior to 7:00 A.M. and end their work day before 4:00 P.M. Material delivery trips also would likely occur outside of the peak hour periods.

Due to the temporary nature of construction activity, the reduction in existing traffic that would occur due to closure of the Malibu Golf Club, and the off-peak hours during which most construction traffic would likely occur, Project construction period impacts would be less than significant.

Operational Traffic

Trip generation estimates were developed for the Project based on the rates presented in the Institute of Transportation Engineers (ITE) Trip Generation report. The peak hour trip generation rates for Resort Hotel (Land Use Code #330) were selected as the best fit for the proposed educational retreat because the resort hotel rates are based on studies of facilities that provide extensive amenities where guests are more likely to stay onsite rather than leave for activities. The ITE report does not provide an ADT rate for Resort Hotels; therefore an ADT rate for the Project was derived from ITE Hotel rates (Land Use Code #310) as modified by the Resort Hotel peak hour trip rates.

Based on the Traffic and Access Study, the Project would generate a net additional 998 ADT, including 59 A.M. peak hour trips and 78 P.M. peak hour trips, which would use the surrounding roadway network.

Traffic increases generated by the Project would not result in traffic levels on roadways in the study area that equal or exceed the thresholds of Los Angeles County, the City of Agoura Hills, and the City of Malibu, based on existing conditions and therefore would be less than significant. The Project's contribution to cumulative traffic impacts in combination with related projects is discussed in Section 4.14.

(b) Congestion Management Program Intersections and Freeways (Less than Significant Impact)

The nearest CMP intersection to the Project site is the Kanan Dume/PCH intersection, located in the City of Malibu. The traffic analysis indicates that this intersection is forecast to operate at LOS C under Cumulative

and Cumulative + Project traffic volumes, and the Project's traffic additions would not increase the intersection volume to capacity (V/C) ratio by two percent or more, which would be considered less than significant.

(c) Air Traffic Patterns (Less than Significant Impact)

The Project is not located in the vicinity of a public or private airport and as such would have no impact on air traffic patterns. An onsite helipad would be relocated as part of the Project, however this facility would be provided exclusively for emergency operations, to be accessed by the Los Angeles County Fire Department and other public agencies during wildfire fighting activities or other potential emergencies, to protect life or property.

(d) Traffic Hazards—Construction and Operation (Less than Significant Impact)

All activities related to the construction, operation, and maintenance of the Project would occur within the Project site boundaries and would not introduce a land use that is incompatible with roadways in the vicinity. The Project does not propose any construction related soil import or export from grading activities that would substantially increase truck traffic. Therefore, the Project would not introduce a condition, either temporary or permanent, that would pose a substantial increase in traffic hazards.

(e) Emergency Access—Construction and Operation (Less than Significant Impact)

Access to the Project site is provided via Clubhouse Drive, which also provides access to the existing Malibu Golf Club and associated facilities. Clubhouse Drive is 48-feet wide with two 20-foot travel lanes that are separated by an 8-foot raised median. The Project would be required to have the Los Angeles County Fire Department approve the planned onsite access including lane width, distance from buildings, and provision of adequate turnaround areas and therefore would be less than significant. Section 5.11.1, Public Services - Fire Protection, of the Draft EIR, provides further discussion of emergency vehicle access impacts.

(f) Alternative Transportation Policies, Plans, Programs and Facilities (Less than Significant Impact)

Due to the remote location of the Project site, there are no regularly scheduled public transit operations that serve the site; however, the Project would introduce a shuttle service available by reservation to transport guests to and from area airports.

The Project would not conflict with any policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.

(g) Parking—Construction and Operation (Less than Significant Impact)

This Project would provide parking areas onsite during construction. At completion, the Project would provide parking spaces in excess of the total amount required for the overall site, with County authorization of shared parking for the development area on the Project site. Therefore, impacts would be less than significant.

In conclusion, the Commission finds that, based on substantial evidence in the record, potentially significant transportation and access impacts of the Malibu Institute Project would be less than significant.

3.15 PUBLIC UTILITIES—WATER SUPPLY

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issues:

- (a) Water demand rates and supply impacts (Less than Significant Impact)
- (b) Maximum Water Demand Flow Rate (Less than Significant Impact with Mitigation)
- (c) Infrastructure Replacement (Less than Significant Impact)

Finding

Changes or alterations have been required in or incorporated into the Project, which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding water supply in Section 5.14.1, Public Utilities—Water Supply, of the Draft EIR, and the Preliminary Water System Design Report provided in Appendix G.4, of the Draft EIR, which are incorporated by reference herein.

(a) Water demand rates and supply impacts (Less than Significant Impact)

The Project would reduce the demand for potable water provided by Las Virgenes Municipal Water District (LVMWD) at the Project site relative to current water usage regardless of the Project's plans to supplement its irrigation demands with onsite supplies of well water or recycled water. As shown in Section 5.14.1, Public Utilities Water Supply, of the Draft EIR, potable water demand from the LVMWD would be reduced by over 32% from an average of 287.2 Acre Feet Per Year (AFY) supplied for the existing Malibu Golf Club, to 194.21 AFY for the proposed Project. This reduction would be primarily due to the incorporation of water saving features into the remodeled golf course, reduced area of turf coverage, and the provision of recycled water supplies from the onsite wastewater treatment system. The Project would also continue to make use of supplemental water from onsite wells for irrigation purposes. The Project would not result in the need for additional LVMWD facilities or expansion or additional entitlements to provide adequate potable water supplies for the Project. Therefore, water demand and supply impacts would be less than significant.

(b) Maximum Water Demand Flow Rate (Less than Significant Impact with Mitigation)

The existing water supply system that provides potable water to the Project site utilizes an 8-inch meter with an 8-inch pressure reducing valve (PRV) located in the northwest corner of the Malibu Golf Club. The existing 8-inch meter serving the Project site is capable of providing a maximum flow of 1,000 gpm, based on information provided by LVMWD. In order to provide a required fire flow of 2,000 gpm to meet fire department requirements, a detector check valve and PRV would need to be installed parallel to the existing meter and PRV in accordance with LVMWD standards. This requirement is addressed by mitigation measure MM5.14.1-1, which would upgrade the system's pressure reducing valve, would

reduce impacts to the water distribution system under peak demand scenarios to less than significant

(c) Infrastructure Replacement (Less than Significant Impact)

A portion of the existing water supply system that serves the Malibu Golf Club includes a 10-inch diameter pipeline within the Project site that is buried more than 10-feet below grade. During grading activities for the remodeled golf course, the Project would replace the deep portion of pipeline with a new pipeline segment installed at 36 to 60 inches below ground surface, which is a normal depth for a pipeline of this size. As the existing pipeline and the replacement pipeline segment are located beneath a developed portion of the golf course and would not impact undisturbed areas of the Project site, this impact would be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant water supply impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following mitigation measure:

MM5.14.1-1 The Applicant shall install a detector check valve with its own pressure reducing valve parallel to the existing water meter and PRV on the Project site approved by the Department of Public Works in accordance with LVMWD standards in order to provide a required fire flow of 2,000 gpm on the Project site.

3.16 PUBLIC UTILITIES—WASTEWATER TREATMENT

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Wastewater Treatment Requirements (Less than Significant Impact)
- (b) Wastewater Treatment Facilities (Less than Significant Impact with Mitigation)
- (c) Wastewater Treatment System Capacity (Less than Significant Impact)

Finding

The Project would result in less than significant impacts related to public utilities-wastewater treatment with mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding wastewater treatment in Section 5.14.2, Utilities and Service Systems—Wastewater/Sewage Disposal, of the Draft EIR, and the Engineering Feasibility Report for the Proposed Onsite Wastewater System prepared by EPD and included as Appendix G.1 to the Draft EIR. These documents are incorporated by reference herein.

(a) Wastewater Treatment Requirements (Less than Significant Impact)

The design and installation of the Onsite Wastewater Treatment System (OWTS) would be subject to approval by the Los Angeles Regional Water Quality Control Board to ensure compliance with requirements related to protection of water resources. Under the preferred option, the Ventura Regional Sanitation District (VRSD) would operate, monitor and maintain the OWTS, and the Project would use

the treated effluent to irrigate the eastern portion of the 122-acre golf course, which currently is irrigated using potable water, through either spray irrigation or subsurface piping 9-12 inches below ground surface. Under the second option, the VRSD would operate, monitor and maintain the OWTS with the treated effluent dispersed through a conventional subsurface dispersal system that would allow the water to percolate to groundwater. If the OWTS plant and disposal/irrigation system provided under either option fails to meet the standards of the Regional Water Quality Control Board (RWQCB) discharge permit at any time, the applicant would immediately close and cease operation of the facility. This would include cancellation of all current and scheduled events and lodging. The closure would remain in place until it was confirmed that the system could again meet RWQCB water quality/discharge requirements. Therefore, by complying with the requirements of the RWQCB discharge permit issued for this facility, on-site wastewater conveyance or disposal capacity impacts would be less than significant

(b) Wastewater Treatment Facilities (Less than Significant Impact with Mitigation)

With the exception of the septic tank and leach field serving the existing caretaker's residence near Mulholland Highway on the Project site, the Project would abandon the existing OWTS of onsite septic tanks that serve the site. As there are no wastewater utility infrastructure components in the vicinity that would serve the Project, wastewater generated by the Project would be collected and treated by a proposed onsite OWTS, which has been designed to treat 100 percent of the Project's wastewater to standards for reuse as irrigation on the remodeled golf course. As such, the Project would result in the construction (installation) of a new wastewater treatment facility. Mitigation related to Air Quality, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise provided in the respective sections of this EIR reduces impacts related to construction of the OWTS to less than significant.

With compliance with State and local laws and Regional Water Quality Control Board requirements, impacts related to operation of the OWTS would be less than significant.

(c) Wastewater Treatment System Capacity (Less than Significant Impact)

Impacts to the off-site wastewater system

Wastewater generated by the Project would continue to be collected and treated onsite as under existing conditions and would have no connection to off-site wastewater infrastructure provided by a utility. The Project would result in no impacts to off-site wastewater facilities regarding capacity in sewer lines and/or sewage disposal conveyance systems as there are none that serve the Project site.

Onsite wastewater impacts

Wastewater generated by the Project would be treated by a proposed OWTS, which has been designed with a capacity to convey, collect, and treat 100 percent of the Project's wastewater based on a peak flow of 58,338 gallons per day (gpd), rounded to 60,000 gpd for design purposes, and an estimated average flow rate of 40,000 gpd. The Ventura Regional Sanitation District (VRSD) would operate, monitor, and maintain the OWTS. Therefore, the Project would result in less than significant impacts regarding wastewater treatment system capacity.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant wastewater treatment impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of mitigation measures discussed throughout the Final EIR regarding Air Quality, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise as they would apply to construction of the proposed OWTS.

3.17 PUBLIC UTILITIES—SOLID WASTE

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in either a less than significant impact or a less than significant impact after mitigation, as indicated in parentheses following each threshold issue:

- (a) Landfill Capacity—Construction and Operation (Less than Significant Impact with Mitigation)
- (b) Compliance with Solid Waste Regulations (Less than Significant Impact)

Finding

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment as identified in the Final EIR.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding solid waste in Section 5.14.3, Public Utilities—Solid Waste, of the Draft EIR, which is incorporated by reference herein.

(a) Landfill Capacity—Construction and Operation (Less than Significant Impact with Mitigation).

Construction period impacts

Following a diversion of 65 percent for recycling activities, demolition is expected to produce up to 661.4 tons of debris to be deposited in a landfill. Construction of the Project's proposed facilities would generate 162 tons of debris for disposal, for a total of 823.4 tons of material to be disposed of in landfills. Given the excess in permitted daily capacity at the Sunshine Canyon, Calabasas, and Chiquita landfills, construction waste from the Project that cannot be recycled is not expected to exceed the capacity of those landfills, and would be a less than significant impact.

Operational Impacts

During operations, the daily solid waste generated by the Project would be 2,381 pounds per day (1.194 tpd), which would be a total of 434.7 tons of solid waste annually. Recyclable materials would be collected separately and diverted from landfills, thus reducing the Project's quantity of solid waste that would require landfill disposal. Based on the existing diversion rate of approximately 52 tons per year by the Malibu Golf Club, the Project would send an estimated net increase of 0.132 tpd or 48.2 tons per year of solid waste to landfills over existing conditions.

The Project's estimated quantity of solid waste disposal would not exceed the permitted daily capacity of the three nearest landfills under their most recently reported disposal rates. As such, the Project would not result in a significant impact to those facilities. However, as other landfills in the County reach their lifetime capacity, future inputs could potentially increase significantly. Due to the potential for increased demands on the nearest landfills, and for the County to maintain compliance with AB 939, it will be important for all solid waste generators, including the Project, to implement and maintain diversion programs to reduce the amount of waste sent to landfills. As such, the Project's solid waste impact is considered adverse, but reduced to less than significant with incorporation of mitigation measure MM5.14.3-1 which requires implementation of a recycling plan for the Project.

(b) Compliance with Solid Waste Regulations (Less than Significant Impact)

The Project would be required to comply with the County's mandatory Construction and Demolition Debris Recycling and Reuse Program as required by the County's Green Building Standards (Section 22.52.2130.C.4.b) by diverting a minimum of 65 percent of non-hazardous construction and demolition debris to be recycled or salvaged. In addition, the Project would comply with County requirements under Title 20, Chapter 20.89 that establishes a service charge levied upon each parcel of real property in the unincorporated area of the County of Los Angeles in order to fund the preparation, adoption and administration of the Los Angeles County Household Hazardous Waste Element, and the Los Angeles County Source Reduction and Recycling Element of the Countywide IWMP. Therefore, this impact would be less than significant.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant solid waste impacts of the Malibu Institute Project would be reduced to less than significant levels by implementation of the following mitigation measure:

MM5.14.3-1 The applicant shall implement a recycling program for the operational phase of the Project. The recycling program shall be monitored to ensure that the program advances along with technological advancements in waste management industry-wide. At a minimum the recycling program shall maintain existing levels of waste diversion with improvements in waste diversion over time that exceed existing levels and are in keeping with overall Countywide criteria. Some of the recycling criteria that shall be met or exceeded include:

- All green waste generated onsite (e.g. tree trimmings, brush clearance, grass, etc.) shall be either chipped and reused for pathways or landscaping (e.g. wood chips), or shall be composted onsite for use within the Project;
- Where trash receptacles are placed in common areas of the Project site for use by guests, clearly marked recyclable bins shall also be provided for beverage containers such as bottles and cans;
- Food waste shall be separated from other refuse and recyclable materials and composted onsite utilizing a worm bin to convert non-fatty food wastes into potting soil (called ermicompost) for onsite landscape maintenance use;
- Batteries, toner cartridges and other office tech equipment such as computer monitors, printers, and cell phones shall be recycled;
- Offices shall promote recycled paper usage that contains at least 30 percent recycled content and is Green Seal Certified;
- A Central Recycling Center (CRC) shall be located onsite in an area where all of recycled materials are to be stored until transported to the processor, and will include roll-off containers for separation of various recycling commodities;
- The Project shall provide an onsite baler for all cardboard and newspaper, equipment to crush glass items and cans, and compactors for all other waste to minimize volumes;
- The Project shall provide bulk dispensing systems throughout the property for toiletry items such as soaps and shampoos to minimize packaging; and
- The Project shall provide cloth towel rolls or hand dryers in common area restrooms instead of paper towels.

3.18 PUBLIC UTILITIES —ENERGY

Potential Effect

Based on the evaluation of the following summary list of issues addressed by the significance thresholds, the Project was determined to result in a less than significant impact, as indicated in parentheses following each threshold issue:

- (a) Compliance with Los Angeles County Green Building and Drought-Tolerant Landscaping Ordinances (Less than Significant Impact)
- (b) Inefficient Use of Energy Resources (Less than Significant Impact)
- (c) Electricity—Construction and Operation (Less than Significant Impact)
- (d) Natural Gas—Construction and Operation (Less than Significant Impact)

Finding

The Project would result in less than significant impacts related to public utilities-energy without mitigation.

Facts Supporting Finding

The Draft EIR analyzed potential impacts regarding energy in Section 5.14.4, Public Utilities—Energy, of the Draft EIR, which is incorporated by reference herein.

(a) Compliance with Los Angeles County Green Building and Drought-Tolerant Landscaping Ordinances (Less than Significant Impact)

The Project would incorporate energy efficiency features with the goal of achieving LEED™ Platinum certification or equivalent for proposed structures, which would result in greater efficiencies and more sustainable development than required by the Los Angeles County Green Building Ordinance. As such, the Project would not conflict with this ordinance and impacts related to the Project's compliance with the Los Angeles County Green Building Ordinance would be less than significant.

The Project would incorporate drought tolerant native trees and landscaping including the replacement of turf grass on the existing golf course with drought tolerant grass varieties, which would comply with the Drought Tolerant Landscaping Ordinance. The Project would also remove approximately 1,590 non-native trees to reduce irrigation demands on the site. As such, the Project would not conflict with the Los Angeles County Drought Tolerant Landscaping Ordinance and impacts related to compliance with that ordinance would be less than significant.

(b) Inefficient Use of Energy Resources (Less than Significant Impact)

The Project would incorporate energy conservation features with the goal of achieving LEED™ Platinum certification or equivalent including a more efficient irrigation system, provide a shuttle service to area airports for overnight guests, and install pathways for internal circulation between each proposed structure by foot or electric cart to minimize energy use onsite. Therefore, impacts related to inefficient use of energy resources would be less than significant.

(c) Electricity—Construction and Operation (Less than Significant Impact)

Based on the minor increase in electricity demands by the Project relative to SCE's current production of electricity, the Project's electricity demands would not exceed the capacity of SCE facilities to supply them. Additionally, the Project would produce electricity onsite to meet approximately half of its own demand by installing solar panels above parking lot shade structures and some rooftops. Impacts would be less than significant.

(d) Natural Gas—Construction and Operation (Less than Significant Impact)

The Project site is not currently served by natural gas infrastructure. The Project would continue to have propane for heating and cooking uses delivered by truck and stored in onsite tanks. As the site would not connect to infrastructure for a natural gas utility, the Project would have no impact.

In conclusion, the Commission finds, based on substantial evidence in the record, potentially significant energy impacts of the Malibu Institute Project would be less than significant.

SECTION 4.0 CUMULATIVE ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

Pursuant to CEQA Guidelines Section 15130, the following Findings identify potentially significant cumulative impacts and the Project's incremental contribution to the impacts discussed in the Final EIR. For the following environmental resource areas, the Project's incremental effect would not be cumulatively considerable.

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA Guidelines Section 15355). In the context of this DEIR, cumulative impacts are those impacts resulting from individual effects of the Project in combination with effects of reasonably foreseeable growth. According to CEQA Guidelines Section 15130(b)(1), reasonably foreseeable growth may be based on either of the following:

- A list of past, present, and probable future projects producing related or cumulative impacts including, if necessary, those projects outside the control of the agency; or
- A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental planning document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

This DEIR uses a list of past, present, and probable future projects often called "related projects." Related projects most commonly include projects in close proximity to the Project site, but may include a regional setting (e.g., Air Quality, Greenhouse Gas Emissions) or be limited to the site itself (e.g., Geotechnical). The related projects used to frame much of the cumulative impact analysis are presented in **Table 4-1** and **Figure 4-1** of the DEIR. The related projects list was developed for the traffic impact assessment in consultation with the County Department of Regional Planning, the City of Malibu Planning Department, and the City of Agoura Hills Planning Department.

A total of twelve pending and two approved projects have been identified. Of these projects, most are located relatively distant, 5 miles or more, from the proposed Project. Two related projects, (a 2 home subdivision, and replacement of juvenile detention facility building), are located within 1 mile of the Project. Five are located near Highway 101 in the City of Agoura Hills at distances ranging from 5 to 6.5 miles. Six are located in the City of Malibu in the vicinity of Malibu Canyon Road and Pacific Coast Highway at distances ranging from approximately 7.5 to 10 miles. One related project is located on Pacific Coast Highway west of Point Dume approximately 4 miles south of the proposed Project. A complete list of related projects is provided below.

Related Project No.	Assessor's Parcel Number (APN)	Street Address	City/County	Pending/ Approved	Description
1	4472-002-027	557 Westlake Blvd	County of Los Angeles	Pending	Subdivision of one parcel into 2 lots, with one home on each lot.
2	4471-003-900	427 S. Encinal Canyon Road	County of Los Angeles	Pending	Remove 44,878 square feet (sf) of buildings, to be replaced with 47,000 sf of new buildings for juvenile detention facility. Reduce number of detainee capacity from 125 to 120.
3	2061-001-031	So. of Agoura Rd. near western City limits (Buckley)	City of Agoura Hills	Pending	14,075 sf Commercial/Medical Building.
4	2061-033-016	4995 Kanan Rd. (Martin Group)	City of Agoura Hills	Pending	Mixed-use development. 167,000 sf commercial, 92,000 sf retail, and 107 multi-family units (MFU).
5	2061-029-008/16; 2061-030-001/13	SEC Agoura Rd. and Cornell Rd. (Cornerstone)	City of Agoura Hills	Pending	Mixed Use Development. 26,000 sf retail, 18,000 sf office, and 35 MFU.
6	2061-029-003 and 2061-029-004	28870 Agoura Rd.	City of Agoura Hills	Pending	17,249 sf. office space.
7	2061-031-020	SEC of Agoura and Kanan Rd. (E.F. Moore & Co.)	City of Agoura Hills	Pending	Mixed Use Development. 48,500 sf retail/office, and 95 MFU.
8	4452-019-005	22959 PCH	City of Malibu	Pending	2,360 sf office; 4,517 sf retail.
9	4458-028-015, 4458-030-007, 4458-028-019	4000 Malibu Canyon Rd. (Rancho Malibu Hotel)	City of Malibu	Pending	New 146-room hotel.
10	4458-018-002	24108 PCH (Crummer Site Subdivision)	City of Malibu	Pending	5 new single family residences.
11	4458-020-902	23401 Civic Center Way (Whole Foods)	City of Malibu	Pending	24,500 sf grocery; 13,876 sf retail.

Related Project No.	Assessor's Parcel Number (APN)	Street Address	City/County	Pending/ Approved	Description
12	4469-045-001	30745 PCH (Hows Market/Trancas)	City of Malibu	Approved	Remodel and expansion of existing retail. 53,423 sf total.
13	4458-032-009	24903 Pacific Coast Highway	City of Malibu	Approved	9,685 sf office space
14	4458-022-023 & 024	23465 Civic Center Way (La Paz)	City of Malibu	Approved	Commercial development. 53,825 sf office, and 77,110 retail.

4.1 AESTHETICS AND VISUAL RESOURCES

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively alter visual quality and views and generate light and glare.

Finding

The Project would result in less than significant cumulative impacts related to aesthetics and visual resources without mitigation.

Facts Supporting Finding

The geographic context for the cumulative impact analysis of aesthetics, views, light, and glare is the immediate Project vicinity; as such impacts are typically localized. In general, only development within the same viewshed has the potential for cumulative effects. While projects located at a distance from one another may appear within the same panoramic view, the overall effect that a particular development or structure(s) has on aesthetics, views, light, and glare generally decreases with distance. Therefore, of future development in the Project vicinity identified in the Cumulative Project List in Section 4.0 of the Draft EIR, only those projects sufficiently close to influence the visual character of the immediate Project area or affect the same off-site sensitive uses could pose cumulative effects in conjunction with the Project.

Most related projects identified in the Cumulative Project List are located in the cities of Malibu or Agoura Hills, at distances from the Project site ranging from approximately 3.5 miles to over 9 miles. The Santa Monica Mountains provide intervening significant ridgelines, which prevent those projects from appearing within the Project viewshed, and therefore, projects in those cities would not have a cumulative visual impact in connection with the Project. Of the two future projects identified that are located in the unincorporated area of Los Angeles County, one is a subdivision of land for two single-family residences that would not be located within the same viewshed as the Project and, as such, would not factor into the Project's cumulative visual impacts. The other future project in the Project vicinity is the Camp Kilpatrick Replacement Project, which is located approximately one mile from proposed Project structures, and at a higher elevation and is generally not seen within the Project viewshed.

Scenic Views, Visual Resources, and Visual Character

The Camp Kilpatrick Replacement Project would remove and reconstruct institutional housing structures and associated facilities. As with the existing structures, the proposed replacement structures would not be visible within the same viewshed due to an intervening ridgeline, with the exception of an existing watertank, which would remain. As such, cumulative impacts to scenic views, visual resources, and visual character would not differ from the less than significant impacts of the Project itself. Therefore, the Project would not contribute to a cumulatively considerable impact to the scenic views, visual resources, and visual character of the Project vicinity.

Light and Glare

Development of the Project would introduce new sources of artificial light and thus could contribute to increased nighttime light levels as experienced by off-site sensitive uses. The Camp Kilpatrick site is currently occupied by a secure detention facility with existing night lighting to deter escape that produces noticeable sky glow in the vicinity. The replacement of Camp Kilpatrick is to be of similar size and scale as the existing facility, and as such existing sky glow impacts could be expected to continue to be produced at that location. The Project would be located at a significant distance and lower elevation and all new outdoor lighting provided for the Project would be fully shielded and would also be consistent with other requirements of the Rural Outdoor Lighting District Ordinance to prevent light trespass and limit sky glow as defined by the Ordinance. As none of the structures associated with the Camp Kilpatrick Replacement Project would be visible within the Project's viewshed, with the exception of an existing water tank, cumulative glare impacts would not differ from those resulting from the Project. As such, the Project would not result in a cumulatively considerable impact regarding light and glare.

4.2 AIR QUALITY

Potential Effect

Development of the Project in combination with the Related Projects may cumulatively increase pollutant emissions.

Finding

The Project would result in less than significant cumulative impacts related to air quality without mitigation.

Facts Supporting Finding

A project would have a less than significant cumulative air quality impact if it were consistent with an adopted General Plan designed to evaluate regional conditions. The Project would not create any substantial increase in regional emissions not already anticipated in SCAG's Regional Comprehensive Plan. The Project would provide multi-occupant shuttle services from major airports and from meeting participant employment centers to raise the Average Vehicle Ridership to above the recommended performance standard. Therefore, the Project's contribution to air quality impacts would not be cumulatively considerable, and cumulative impacts would be less than significant.

4.3 BIOLOGICAL RESOURCES

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively impact biological resources if they: remove substantial natural habitat areas; significantly impact Special Status Plant Species; significantly impact unique native trees; divert, obstruct, or substantially alter a drainage course; substantially adversely impact candidate, sensitive, or special-status

plant and wildlife species; interfere substantially with any wildlife corridor or wildlife movement; or adversely affect SEA resources or jurisdictional waters.

Finding

The Project would result in less than significant cumulative impacts related to biological resources without mitigation.

Facts Supporting Finding

The surrounding area includes fourteen currently-planned projects; eight of which are in the Coastal Zone. The planned mitigation measures for this Project's impacts to biological resources would reduce all potential Project impacts to biological resources to a less than significant level. The anticipated residual impacts are of sufficiently low level such that the Project's potential contribution to a cumulative impact would not be cumulatively considerable.

4.4 CULTURAL RESOURCES

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth would result in further disturbance and developed areas that may cumulatively increase the loss of paleontological, cultural and historic resources in the Project area.

Finding

The Project would result in less than significant cumulative impacts related to cultural resources without mitigation.

Facts Supporting Finding

Over time, cultural resources may be impacted either through natural events or as a result of development projects or other human activities. With any development, there is the potential to disrupt unknown resources, especially given the large number of known sites within the Malibu area. However, related projects in the vicinity also would be reviewed under CEQA, and appropriate mitigation would be applied to protect and/or record potential cultural resources found during Project development. Therefore, the Project would not contribute to any potential cumulative impacts on archaeological, historic, or paleontological resources, and cumulative impacts to cultural and paleontological resources would be less than significant.

4.5 GEOLOGY AND SOILS

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively expose more persons or structures to hazardous geotechnical conditions.

Finding

The Project would result in less than significant cumulative impacts related to geology and soils without mitigation.

Facts Supporting Finding

Most geologic, geotechnical, and seismic impacts associated with the development of the Project site would be localized and would not directly or indirectly affect offsite areas. Direct impacts to persons and

property on the site as a result of exposure to seismic and geologic hazards would be reduced to a less than significant level through the implementation of the recommendations in the Project's Geotechnical Investigation in the design of buildings, compliance with County Code, and implementation of the BMPs to control construction phase erosion impacts.

There is, however, one potential indirect cumulative impact associated with geotechnical and soils conditions to which Project development may contribute. The Project's location in the Santa Monica Mountains makes it vulnerable in the event that landslides and rock falls impact roads providing access to the Project site. Since development continues in the Santa Monica Mountains, exposure to the hazards of full or partial road closures due to landslides and rock falls is a potentially significant indirect cumulative impact. With the addition of classroom facilities and guest bungalows to the Project site, implementation of the Project would increase the number of people who may be required to use these roads to evacuate or emergency medical personnel who may need to reach the Project site in the event of an earthquake or other cause.

As previously noted, most roads providing access to the Project site traverse areas that are susceptible to landslides, rock falls, and debris flows that have the potential to cause partial or permanent blockage for significant periods of time. Two active slides, which are located on Decker and Encinal Canyon Roads, have been responsible for road blockage absent any seismic inducement. All of the roads providing access to the Project site may be vulnerable to blockage caused by seismically induced landslides, based on the CGS Seismic Hazards Map – Landslides (2001). However, as previously noted, there are multiple routes to and from the Project site from Pacific Coast Highway to the south and from the Conejo Valley to the north. The likelihood of all of these routes being blocked simultaneously by landslide, rock fall, or debris/mud flows is slight. Therefore, while the addition of classrooms and guest bungalows to the Project site would result in an increase in the number of people on the site at any given time, the number of access routes to/from the site in multiple directions would allow project-generated traffic to safely disburse and provide multiple means of access for emergency personnel. Accordingly, the Project's contribution to cumulative impacts related to landslides would be considered less than cumulatively considerable.

4.6 GREENHOUSE GAS EMISSIONS

Potential Effect

Development of the Project in combination with the Related Projects may cumulatively increase GHG emissions.

Finding

The Project would result in less than significant cumulative impacts related to greenhouse gas emissions without mitigation.

Facts Supporting Finding

Given that global climate would not be affected adversely by the emission of GHGs by a single project, potential GHG impacts on global climate are the result of the increased accumulation of GHGs in the atmosphere from all sources on a worldwide scale. Based on significance thresholds provided by SCAQMD, the Project would not result in a cumulatively considerable contribution to global climate change impacts, and proposed efficiency features provided with the goal of achieving LEED™ Platinum or equivalent certification for sustainability in design and operation would further reduce GHG emissions.

Additional Project design features have been included with the proposed facilities to achieve greater energy efficiency and reduce water use, which would reduce the Project's GHG emissions. These additional reductions cannot be modeled in the existing version of CalEEMod, however, these design features are noted below and will further reduce GHG emissions associated with the use of electricity, gas, and water:

- Proposed structures would incorporate sustainable and green design with the goal of achieving LEED™ Platinum certification (or equivalent) for all buildings on the property;
- Install green roofs on many of the Project buildings;
- Use highly efficient geothermal HVAC equipment;
- Install photovoltaic solar panels atop proposed parking lot shade structures and some rooftops with the goal of generating electricity onsite from a renewable energy source to meet the majority of the Project's electricity demands;
- Replace existing outdoor overhead parking lot lighting with new lighting complying with the County's Rural Outdoor Lighting District Ordinance that would limit wattage and hours of operation;
- Provide charging stations for electric vehicles;
- Provide pedestrian or electric cart paths for internal circulation onsite without use of private guest vehicles;
- Provide a shuttle service to area airports to transport overnight guests;
- Incorporate a solid waste recycling program as part of operations;
- Provide an on-site wastewater treatment/water recycling system with 100 percent of effluent meeting standards for reuse as irrigation for the remodeled golf course; and
- Use of drip irrigation systems where feasible.

By providing design features such as those listed above to increase efficiency and reduce the Project's GHG emissions, the Project would not conflict with the County's Green Building Ordinance, the anticipated County Framework Plan, the State's Green Building Code, or the GHG reduction goals of AB 32. As such, the Project's contribution to the cumulative impact of global climate change would be less than significant and would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Similarly, Related Projects as identified above would also be anticipated to comply with these same emissions reduction goals and objectives (e.g., the County's Green Building Program).

4.7 HAZARDS AND HAZARDOUS MATERIALS

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the potential for disturbance of hazardous materials during earthwork and construction activities, the potential for upset conditions, the use of and/or exposure to hazardous materials during project operations, or fire hazards.

Finding

The Project would result in less than significant cumulative impacts related to hazards and hazardous materials without mitigation.

Facts Supporting Finding

Development of the Project in combination with the Related Projects has the potential to increase the risk for an accidental release of hazardous materials in the vicinity. Potential impacts of the Project related to the accidental release of hazardous materials would be unique to the site, not leading to a cumulative effect in conjunction with Related Projects. Each of the related projects identified in the Cumulative Project's list would require evaluation for potential threats to public safety, including those associated with the use, storage, and/or disposal of hazardous materials, including contaminated soils, asbestos containing materials, and lead based paints, and would be required to comply with all applicable local, State, and federal laws, rules, and regulations. Since environmental safety issues are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. Therefore, with full compliance with all applicable local, State, and federal laws, rules and regulations, cumulative impacts regarding accidental release of hazardous materials would be less than significant.

As the Project would develop land uses in an area subject to wildfires, each additional development creates greater demands on existing fire protection resources. As such, the Project would generate a cumulative impact to fire protection services, to which the payment of a Development Impact Mitigation Fee would be required. The developer fee revenues supplement funds available to the Consolidated Fire Protection District of Los Angeles County to provide for the acquisition, construction, improvement, and equipping of facilities necessary for the District to deliver fire protection services within the County's Areas of Benefit. The requirement for the Project to contribute to the County's Development Impact Mitigation Fee, included as mitigation measure MM5.7-5 in the Final EIR and Mitigation Management Plan, would reduce the Project's cumulative Fire Hazard impacts to less than significant with mitigation.

4.8 HYDROLOGY AND WATER QUALITY

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase hydromodification of the stormwater runoff regime in the vicinity, or the release of pollutants in storm water runoff and non-point-source discharges, such as vehicle and equipment fluids and trash, associated with construction and operation of new development.

Finding

The Project would result in less than significant cumulative impacts related to hydrology and water quality without mitigation.

Facts Supporting Finding

The geographic context for the cumulative impact analysis on water quality is the Trancas Canyon Creek watershed on a local level and the Trancas lagoon and Trancas (Broad) Beach on a more regional level. Urban development within the watershed could potentially contribute to cumulative impacts associated with hydromodification, increased pollutants within surface waters, and pollution of groundwater. Only two of the identified Cumulative Projects are located in the same watershed as the Project. These include the Camp Kilpatrick Replacement Project, located at the edge of the headwaters of the watershed, and an expansion of an existing retail commercial facility (Hows Market/Trancas) located near Trancas lagoon. All other identified Cumulative Projects are located outside of the Trancas Canyon Creek watershed and would not impact the same watercourse as the Project.

Cumulative development within the Project vicinity could potentially introduce persons or structures within areas prone to flood impacts, tsunami inundation, or mudflows, or potentially introduce seiche hazards by construction of water storage facilities.

Cumulative Surface Water and Hydromodification Impacts

Urban development in the Trancas Canyon Creek area has contributed to pollution of the Trancas (Broad) Beach area and the Trancas Lagoon. As discussed above, the anticipated quality of effluent expected from the Project site would contribute concentrations of pollutants of concern, primarily nitrates/nutrients, that could cause or contribute to a violation of the water quality standards in the Project's surface receiving waters; however, with the implementation of regulatory requirements including the County's LID BMPs, the Project's contribution would be reduced to the maximum extent practicable (MEP Standard) and would, therefore, be less than cumulatively considerable and less than significant.

The Project's proposed infiltration BMPs would be sized to meet hydromodification control standards; therefore the Project's incremental effects on hydromodification would not be cumulative considerable. With reduced runoff as compared to existing conditions, the Project would improve hydromodification conditions over the existing condition and, therefore, the Project's contribution to the cumulative condition would be beneficial.

The Project's surface runoff water quality, after implementation of BMPs, during construction and post-development would comply with adopted regulatory requirements designed by the State Water Board and Los Angeles Regional Water Quality Control Board to assure that regional development does not adversely affect water quality and hydromodification in receiving streams, including the provisions of the MS4 General Permit, the Construction General Permit, and the General Dewatering Permit requirements, and benchmark Basin Plan water quality objectives, CTR criteria, and CWA Section 303(d) listings. The Project would comply with these regulatory requirements designed to protect beneficial uses, which would mitigate adverse impacts to cumulative water quality and hydromodification to a level that would be less than significant. Therefore, the Project's contribution to any existing water quality or hydromodification impacts within the watershed would be less than cumulatively considerable. Any future urban development occurring in the Trancas Canyon Creek and Carlisle Canyon Watersheds also would be required to comply with these requirements.

Runoff from the Project site under the proposed condition, inclusive of BMPs, would yield lower pollutant loads and concentrations for most of the modeled constituents (TSS, NO₃-N, TKN, total nitrogen, TP, total copper, total lead, and total zinc) than in the existing and proposed conditions without BMPs. Additionally, in the context of the proposed site design, source controls, and treatment control BMPs, the Project's contribution to potential cumulative impacts associated with the qualitatively analyzed pollutants of concern (POCs) would not be cumulatively considerable and would be less than cumulatively significant. The model results, which show an overall improvement in stormwater runoff quality and a reduction in runoff volume and the impacts from the qualitatively assessed POCs, demonstrate that the Project's contribution to any existing adverse water quality issue would be less than cumulatively considerable and less than significant.

Cumulative Groundwater Impacts

The anticipated quality of stormwater runoff discharges from the Project's development area, reclaimed water used for irrigation, and discharges from septic systems would not contribute pollutants of concern that would be expected to cause or contribute to a violation of the groundwater quality standards. While a productive "lower aquifer" underlays all or a portion of the Project site, baseline testing in 2013, over 35 years after the golf course began operation, indicated that to the extent that surface flows percolate into

the lower aquifer, the depth of the water table and the nature of the soils and bedrock through which water percolates are effective in removing pollutants of concerns from groundwater at depth. BMPs incorporated into the Project in the form of LID BMPs would result in no adverse effects on groundwater recharge. Rather, they would put in place another layer of infiltration and treatment that would effectively remove POCs, including those that may impact saturated near surface alluviums that may perch water to the surface as it flows downstream.

The Project's discharges to groundwater, after BMPs, during construction and post-development, would comply with adopted regulatory requirements that are designed by the Los Angeles Regional Water Quality Control Board and State Water Board to assure that regional development does not adversely affect water quality, including MS4 General Permit requirements and Construction General Permit requirements. In addition, per the State Water Board's Recycled Water Policy, cumulative groundwater impacts shall be managed under a regional Salt and Nutrient Management Plan that also addresses CECs. The Project would comply with these requirements designed to protect beneficial uses; therefore, the Project's contribution to cumulative groundwater quality impacts would be mitigated and its contribution would be less than cumulatively considerable and less than significant.

Cumulative Flood Impacts

The Project would be designed with flood control facilities that would contain any incremental increase above existing conditions and therefore, the Project would make a less than cumulatively considerable contribution to any downstream cumulative flooding impacts.

Flood flows within the golf course during Capital Flood storm events would remain at least two feet below the finished floor elevation of any building or structure constructed on the Project site at a 50-foot horizontal distance from retention storage on the Project site. Flows held on the site would infiltrate within 3.5 days following a peak storm event. Accordingly, the Project would not make a cumulatively considerable contribution to any regional flood problem within the watershed, and would be less than significant.

Other Impacts

The Project is too distant from the shoreline and at too high an elevation to be threatened by tsunami and would make a less than cumulatively consider contribution to any regional impacts created by coastal development within tsunami-prone areas of the coast.

The Project may be subject to mudflow generated by intense precipitation events generating mud and debris flows that would be carried to the Project development site by creeks and rills located in the upland areas of the Project site and beyond. However, such mudflows would be directed by the existing (and unchanged) drainage pattern onto the golf course where it would do no damage to persons or structures and would not make a cumulatively considerable contribution to regional or watershed impacts associated with mudflows/landslides.

The Project contains facilities capable of producing seiche conditions when disturbed by strong ground motion; however, any overtopping of contained water would be directed onto the golf course and would not endanger either persons or structure, nor would it affect downstream properties. Therefore, the Project would not make a cumulatively considerable contribution to any watershed-wide cumulative impacts associated with seiche conditions.

As with the Project, other qualifying future developments in the area would be subject to state, regional, and County requirements, such as NPDES permits and LID requirements, as well as SWPPP and SUSMP

requirements, as appropriate. As such, future projects would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality. In addition, the County would review all construction projects on a case-by-case basis to ensure that local and regional drainage surface water quality is protected. Therefore, with compliance with all applicable laws, rules, and regulations, no significant cumulative impacts to surface water quality are anticipated.

4.9 LAND USE

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may result in cumulative impacts related to land use compatibility and consistency with applicable land use plans and policies.

Finding

The Project would result in less than significant cumulative impacts related to land use without mitigation.

Facts Supporting Finding

The development of the Project together with development of related projects within the surrounding vicinity would result in a modest intensification of existing land uses. The expansion and addition of uses within the Project site would not make a cumulatively considerable contribution to effects associated with land use in the Project area and would not result in significant adverse land use compatibility impacts when considered in combination with the related projects anticipated in the area.

4.10 NOISE

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase short-term noise levels from construction and long-term noise levels from Project operation.

Finding

The Project would result in less than significant cumulative impacts related to noise without mitigation.

Facts Supporting Finding

None of the identified cumulative projects in the cumulative project list in the Cumulative Projects Table of Section 4.0, Environmental Setting, is sufficiently close to the Project site as to generate any potential cumulative noise impacts from either stationary or construction activity noise sources, traffic, or vibrations.

“Point” noise sources such as mechanical equipment (e.g., pumps, HVAC, etc.) or heavy construction equipment are rapidly attenuated by geometrical spreading losses at a rate of 6 dB or more per distance doubling. Possible cumulative noise impacts from other developments require a close proximity of activities. None of the identified cumulative projects in the cumulative project list in the Cumulative Projects Table of Section 4.0, Environmental Setting, of the Draft EIR is sufficiently close to the Project site as to generate any potential cumulative noise impacts from either stationary or construction activity noise sources. Cumulative construction activity noise impacts could result if there were extensive on-road trucking needed to move cut or fill for the Project. However, the proposed amounts of cut-and-fill

for the Project are projected to be balanced onsite and, therefore, would not require on-road trucking. Cumulative noise impacts would be less than significant.

Project-related vibration from construction or operation will be imperceptible outside the Project boundary. Therefore, cumulative vibration impacts will be less than significant.

4.11 PUBLIC SERVICES—FIRE PROTECTION

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the demand for fire protection services.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the potentially significant cumulative environmental effect as identified in the Final EIR.

Facts Supporting Finding

Development and occupancy of the Project in combination with related projects in the Cities of Malibu and Agoura Hills would have cumulative, but minimal, adverse impacts on LACFD facilities, equipment, and manpower in that each additional development creates greater demands on existing resources, which would increase the cumulative impact this Project would have on LACFD services. However, each related project would be appraised by the reviewing agencies responsible for evaluating project consistency with applicable land use plans. Each project also would be required to mitigate its individual impacts on fire protection services. With compliance with applicable County codes and policies and required Project-specific mitigation measures MM 5.11.1-1 through MM 5.11.1-6, cumulative impacts upon fire services would be reduced to less than significant levels.

MM5.11.1-1 The Project shall pay the fee required by the Consolidated Fire Protection District's Developer Fee Program for new residential and commercial construction to support fire stations and apparatus located within the City of Malibu that provide fire suppression and emergency services to the Project site, which is within Area of Benefit 1.

MM5.11.1-2 The Project shall comply with the applicable Uniform Fire Code (UFC) and LACFD ordinance requirements for development located in high fire danger areas regarding the following: building construction methods and materials; the ease of site access; the adequacy of water mains to maintain adequate fire-flow pressures and volumes; the location and numbers of fire hydrants; the use of indoor sprinklers and sensors; the re-vegetation of all manufactured slopes with fire retardant (native) landscaping; and brush clearance.

MM 5.11.1-3 The Applicant shall install and test, or bond for all required fire hydrants prior to recordation of the Final Map for the Project.

MM 5.11.1-4 The Applicant shall obtain approval from LACFD of a final "Fuel Modification Plan" for the Project prior to commencement of construction.

MM 5.11.1-5 The Applicant shall provide detailed site plan maps and facilities drawings of the completed facilities and areas for the Project to the LACFD, which clearly illustrate access routes, building recognition/identification numbers/names, addresses, building and parking structure floor plans, the locations of emergency exits, and any other pertinent information that would facilitate LACFD response.

MM 5.11.1-6 The Project shall comply with all applicable State Fire Marshall requirements for the installation of fire alarms, firewalls and dampers, and detector devices.

4.12 PUBLIC SERVICES—SHERIFF’S PROTECTION

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the demand for police protection services.

Finding

The Project would result in less than significant cumulative impacts related to public services-police protection without mitigation.

Facts Supporting Finding

Short-Term Construction Phase Impacts

The demand for law enforcement services generated by the Project during construction could be accommodated by existing LACSD staffing levels. Therefore, the Project’s contribution to cumulative impacts would be mitigated and its contribution would be less than cumulatively considerable and less than significant.

Operational Impacts

The bungalows would provide overnight accommodations, and would cause temporary and minor increases in the area’s population size which could result in an increase in demand for law enforcement services. However, as stated in the LACSD’s letters in response to the NOP for the Project and providing comment on the Administrative Draft EIR, the Project would have no effect on staffing or response times and thus would not require the provision of additional staff and/or sheriff protection facilities. Therefore, the Project’s contribution to cumulative impacts would be mitigated and its contribution would be less than cumulatively considerable and less than significant.

4.13 RECREATION

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the demand for recreation facilities.

Finding

The Project would result in less than significant cumulative impacts related to recreation without mitigation.

Facts Supporting Finding

As the County continues to grow, there will be an increasing need to provide recreational opportunities to meet the cumulative needs of County residents. The Project would not include any residential units and

therefore would not increase population; however, it would provide a recreational amenity that would be available to residents of the vicinity including new residents resulting from cumulative development in the area. As the Project would not increase the demand for off-site recreational facilities, with the potential exception of an increase in passive use of regional trails, the Project would enhance an existing golf course and would not result in an increase in demand for recreational facilities in the County.

4.14 TRAFFIC AND ACCESS

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase construction traffic, long-term traffic, parking demand, and result in cumulatively considerable impacts related to consistency with alternative transportation policies.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the potentially significant cumulative environmental effect as identified in the Final EIR.

Facts Supporting Finding

Based on the County's thresholds, the Cumulative (Existing + Related Projects) + Project would generate cumulative impacts at the U.S. 101 NB Ramps/Kanan Road intersection during the A.M. peak period, and the U.S. 101 SB Ramps/Kanan Road and PCH/Kanan Road intersection during the P.M. peak hour period. These intersections are located in the City of Agoura Hills and the City of Malibu.

The U.S. 101 NB Ramps/Kanan Road intersection, and the PCH/Kanan Road intersection would operate at LOS C or better under the Cumulative + Project traffic volumes, which would be less than significant based on the thresholds provided by the cities where these intersections are located, and mitigation measures at these locations would not be required.

The U.S. 101 SB Ramps/Kanan Road intersection is forecast to operate at LOS D under Cumulative (Existing + Related Projects) + Project traffic volumes, which is considered unacceptable based on Caltrans and the City of Agoura Hills operating standards, and, as such, the Project's cumulative impacts at this intersection would be potentially significant before mitigation. With implementation of the required mitigation measure MM5.13-1, the Project's cumulative impact would be reduced to less than significant.

MM5.13-1 The Project shall be required to contribute to the cost of implementing intersection improvements for the U.S. 101 SB ramps/Kanan Road intersection as identified in the Agoura Village Specific Plan EIR as a mitigation measure. The planned improvements would implement widening the northbound approach to provide a third through-lane and restriping the southbound approach to provide an additional left-turn lane. The westbound approach would also be widened to accommodate the dual southbound left-turns.

The Project would contribute a total of 51 peak hour trips to this intersection, which would represent four percent of the 1,123 peak hour trips added to this intersection by the related projects. Therefore, the Project's fair share contribution to these intersection improvements would be four percent of the estimated \$169,000 cost, which would be \$6,760.00.

4.15 PUBLIC UTILITIES—WATER SUPPLY

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase demand for water and the need for water distribution infrastructure.

Finding

The Project would result in less than significant cumulative impacts related to public utilities-water supply without mitigation.

Facts Supporting Finding

The California Urban Water Management Planning Act requires most water utilities to develop and update an Urban Water Management Plan (UWMP) every 5 years to identify short-term and long-term water demand management measures to meet growing water demands during normal, dry, and multiple-dry years. The Act requires urban water suppliers to assess water supply reliability that compares total projected water use with the expected water supply over the next 20 years in 5-year increments.

The 2010 UWMP for the Las Virgenes Municipal Water District (LVMWD) concluded that the District will be able to provide a surplus of reliable and high quality water to supply service area customers through the year 2035. The conclusion that a surplus would be available was based on conservative water demand estimates and implementation of conservation measures, for normal years and also dry years.

The geographic boundary for the cumulative water analysis is the LVMWD water service area, generally located north of the Project site. The Project in conjunction with identified Cumulative Projects within this service area would cumulatively increase the demand for water from NCWD.

Land to the south of the Project has been classified as open space/park land and is not anticipated to be developed. Land immediately to the west and east of the Project has been classified as Mountain Lands or Public Use and is served by the existing Seminole System. There are two related projects listed in Section 4.0, Environmental Setting, which are located within the LVMWD service area that could be served by the Seminole system. These two projects are the Camp Vernon Kilpatrick Replacement Project, which would reduce the number of detainees at a juvenile detention facility and incorporate water conservation features, and the subdivision of a parcel for two single-family home lots. Similar to the Project, the Camp Vernon Kilpatrick Replacement Project would result in a decrease in water demand compared to existing conditions. The subdivision of a parcel into two lots could result in two single-family homes being constructed in the vicinity that may be served by the LVMWD Seminole system. The projected water use for two residences would be approximately 1,623 gpd (1.68 af/yr). Based on the cumulative projects list presented in Section 4.0, there are five additional related projects located in the City of Agoura that would be served by LVMWD (cumulative projects in the City of Malibu would not be served by the LVMWD system). These five cumulative projects would consist of a total of 237 multi-family residential units, and 382,824 sq. ft. of commercial space (office and retail). As determined in the evaluation in subsection 5.14.1.5, Project Impacts, the Project would result in a net reduction in demand for potable water provided by LVMWD, and would not introduce demands for LVMWD recycled water supplies. As such, the Project's water use would not result in a cumulatively considerable contribution to water supply demand within the service area. Therefore, the cumulative impacts to water supply would be less than significant.

Implementation of mitigation measure MM5.14.1-1, which would upgrade the system's pressure reducing valve to reduce project-level distribution system impacts, would also reduce cumulative impacts to the LVMWD water distribution system pressure under peak demand scenarios to less than significant.

4.16 PUBLIC UTILITIES—WASTEWATER TREATMENT

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the need for wastewater conveyance and treatment systems.

Finding

The Project would result in less than significant cumulative impacts related to public utilities-wastewater treatment without mitigation.

Facts Supporting Finding

The Project would install an Onsite Wastewater Treatment System (OWTS) with a capacity to accommodate 100 percent of the Project's needs, as there is no private or public wastewater utility infrastructure in the vicinity that could serve the Project site. This system would be provided for dedicated use by the Project with no connections to other surrounding uses, either existing or planned in the vicinity. Therefore, any additional wastewater flows from related projects would have no bearing on the Project's OWTS, as there would be no connection provided to other projects, and the Project's OWTS would have no connection to a regional wastewater system. Therefore, the Project's contribution to cumulative impacts would be mitigated and its contribution would be less than cumulatively considerable and less than significant.

4.17 PUBLIC UTILITIES—SOLID WASTE

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the demand for solid waste landfill capacity.

Finding

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the potentially significant cumulative environmental effect as identified in the Final EIR.

Facts Supporting Finding

The geographic context for the cumulative impact analysis for solid waste is the County since the landfills serve the entire County. During operations, the Project would contribute a net increase to landfill disposal of approximately 48.2 tons of waste per year over existing conditions into the foreseeable future, which in combination with related projects and regional growth, would consume permitted capacity of landfills over the life of the Project. The annual cumulative waste generation of the related projects including the incremental increase from the Project would be 589.2 tons, of which the Project represents approximately 8.2 percent. Cumulatively, the estimated solid waste disposal from the identified related projects including the Project would represent approximately 0.03 percent of the combined unused daily disposal capacity of existing landfills in Los Angeles County based on 2011 disposal rates. Given the limited magnitude of the Project's incremental solid waste generation as compared to the existing landfill capacity, the Project is not expected to result in a significant impact on solid waste disposal capacity. Additionally, the 2011 IWMP anticipates that future disposal needs can be adequately met through the remainder of the planning period (2026) through implementation of strategies that include various combinations of scenarios such as:

- Permitting and developing proposed in-County landfill expansions;
- Utilizing available or planned out-of-County disposal capacity;
- Developing necessary infrastructure to facilitate exportation of waste to out-of-County landfills;
- Developing conversion and other alternative technologies; and
- Continuing to enhance diversion programs and increasing the Countywide diversion rate.

Additionally, AB 341 establishes a policy goal for California that not less than 75% of the solid waste generated be source-reduced, recycled, or composted by 2020, by following strategies to be developed by CalRecycle by January 1, 2014 for implementation of this policy, which would further reduce cumulative disposal impacts.

Therefore, as the IWMP has identified strategies to provide adequate disposal capacity for the current planning period, and as the Project would have a relatively insignificant increase in disposal amounts, the Project would not have a cumulatively considerable contribution to solid waste disposal impacts, and the Project's cumulative impacts from operations would be less than significant.

4.18 PUBLIC UTILITIES—ENERGY

Potential Effect

Development of the Project in combination with the Related Projects and ambient growth may cumulatively increase the demand for energy supplies and associated infrastructure.

Finding

The Project would result in less than significant cumulative impacts related to public utilities-energy supply without mitigation.

Facts Supporting Finding

The geographic context for the cumulative impact analysis of electricity is the service area of SCE. The Project's electricity consumption would be supplied by a combination of SCE generated supplies and solar generated electricity produced onsite.

The Project's overall electricity demand, as conservatively estimated based on the 1993 SCAQMD CEQA Air Quality Handbook, without considering additional reductions from increased efficiencies in conventional construction materials and techniques, regulatory reductions in building energy use, efficiency features incorporated to achieve LEEDTM Platinum certification or equivalent, or the current electricity demands of the existing Malibu Golf Club buildings, would be less than 0.003 percent of SCE consumption in 2011. By providing approximately 50 percent of the electrical demand onsite, constructing buildings with enhanced efficiency features to achieve the highest level of certification for sustainability, and accounting for the reduction of the estimated current usage onsite, the Project would have a net increase in demand of approximately 0.0004 percent of the consumption by SCE customers, which would not represent a significant contribution to cumulative electricity supply impacts.

The Project would not connect to a natural gas utility as none exist in the vicinity that could serve the Project. As such, the Project would use propane delivered to the site by truck and stored in onsite tanks, as under existing conditions. As the site would not connect to infrastructure for a natural gas utility, the Project would have no impact in this regard. Therefore, the Project would have no cumulative impact related to a natural gas utility.

SECTION 5.0
ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND
UNAVOIDABLE AFTER MITIGATION

The Commission has determined, based on the Final EIR, that after implementation of project mitigation measures, the Project will not have a significant and unavoidable impact on environmental resources for any of the issues analyzed. Therefore, a Statement of Overriding Considerations is not required. (CEQA Guidelines § 15093.)

SECTION 6.0 PROJECT ALTERNATIVES

The following Findings and Statements of Fact regarding Project alternatives and certain mitigation measures identified in the Final EIR are set forth to comply with CEQA Section 21002 and CEQA Guidelines Section 15126.6. Alternatives to the Project described in the Draft EIR were analyzed and considered. These alternatives constitute a reasonable range of alternatives necessary to permit a reasoned choice.

Based on these potentially significant environmental impacts and the objectives established for the Project, as well as consideration of the local plans and zoning designations that guide development of the Project site, the following alternatives to the Project were selected for analysis:

1. Alternative 1 – No Project/No Build – The proposed Malibu Institute and remodeled golf course would not be implemented and the existing Malibu Golf Club would remain unchanged;
2. Alternative 2 – Residential Development – The existing Malibu Golf Club would remain unchanged and the remaining lots in the 650-acre property would be developed with single-family residential estates. Based on General Plan Zoning designations and topographic or accessibility constraints, a total of 29 residential estates would be developed with implementation of Alternative 2;
3. Alternative 3 – Original Malibu Institute Proposal (2011) – The Malibu Institute educational retreat would be implemented under this alternative, with a redesigned golf course to consist of only six fairways reducing the total golf course acreage allowing for restoration of approximately 40 acres of the Trancas Canyon Creek headwaters as well as a total of 626,904 square feet of structures to serve the purposes of the Institute; and
4. Alternative 4 – Reduced Footprint – The Malibu Institute would be implemented as proposed, however, no bungalows would be located on the former helipad, and six of the single bungalow units would be replaced with the taller double-unit bungalow structures (Bungalow Floor Plan B2) for an overall reduction of 1,500 square feet of construction.

For the reasons set forth below, and in light of the analysis of the Alternatives presented in Section 6.0, Alternatives, of the Draft EIR, Alternative 1 (No Project) would result in the fewest adverse impacts. However, CEQA Guidelines Section 15126.6(2) requires an environmentally superior alternative be selected other than the No Project Alternative. Alternatives 2 and 3 would both result in greater environmental impacts than the proposed Project, and therefore would not be superior alternatives. Based on the alternative analysis provided in the Draft EIR, Alternative 4 (Reduced Footprint) would marginally reduce the extent of less than significant biology impacts requiring mitigation, as compared to the Project, which would make Alternative 4 the environmentally superior alternative. However, as the Project would not result in significant residual impacts, this alternative would not reduce any significant and unavoidable impacts. Additionally, when compared to the Project, Alternative 4 would not reduce the significance of any impact from less than significant with mitigation to less than significant, or reduce a less than significant impact to “no impact”. As such, Alternative 4 would require the same mitigation measures as the Project to reduce potential impacts to less than significant, and would only have a marginal reduction in any potential impact.

Alternative 4 would not fulfill the Project’s objective to:

- Construct proposed site improvements within a clustered area to minimize off-site view impacts while locating visitor-serving facilities including overnight accommodations in a manner that

maximizes guests' views of the remodeled golf course and natural areas of the Santa Monica Mountains and provides separation between bungalow structures as feasible within the development area.

By replacing six single-unit bungalow structures that would be 23-feet high with double-unit structures with an eastern exposure to off-site viewpoints from Encinal Canyon Road, this alternative would have a marginally greater aesthetic impact regarding scenic vistas and the visual character of the area compared to the proposed Project. This increased impact could potentially offset the benefit of Alternative 4, which would reduce fuel modification areas, particularly since any reduced areas of fuel modification would not be designated as ESHA.

6.1 ALTERNATIVES CONSIDERED BUT NOT EVALUATED

The Draft EIR considered two potential alternatives that were rejected as infeasible, and were therefore not analyzed in detail. The alternatives considered but not evaluated included: Residential Subdivision Development and Removal of Golf Facility, and an Alternate Site.

The first of these alternatives was rejected because removal of the golf facility to make room for housing would not meet the Project's underlying purpose of providing an environmentally sustainable golf course and sports-oriented educational retreat, and would result in the elimination of a unique recreational resource in the Santa Monica Mountains. The second rejected alternative was considered infeasible as an alternative site for a golf course in the Santa Monica Mountains on previously disturbed land with fewer potential impacts would not likely be available, and in any case, such property is not under the ownership of the applicant.

6.2 ALTERNATIVE 1: NO PROJECT/NO BUILD

Description

Consistent with CEQA Guidelines Section 15126.6(e)(3)(B), Alternative 1: No Project is the circumstance under which the Project does not proceed. Under Alternative 1 the Malibu Golf Club would remain in its existing state and no development would occur. Under this alternative, the existing structures would remain unchanged, and no additional structures would be added to the Project site. The Malibu Golf Club would continue to be operated as a public 18-hole golf course with an associated clubhouse and restaurant facility. Approximately 1,590 trees of non-native species, including palm trees, planted during the original construction of the golf course would not be removed. The onsite ponds would not be cleaned out to remove non-native aquatic species and would not have pumps added for water circulation to reduce stagnation and improve water quality. Irrigation efficiency improvements would not be provided and the turf and landscaping would not be replaced with drought resistant varieties. An abandoned and dilapidated residence in the northern portion of the Project site would not be removed. All utility services would remain unchanged including the use of potable water for irrigation and the use of existing septic tank systems for onsite wastewater treatment. The existing uses would remain consistent with the current land use designation and zoning and the current Conditional Use Permit (CUP) would remain unchanged.

Finding

Alternative 1 would result in the fewest number of environmental impacts compared to the Project and remaining alternatives. However, it would not meet the majority of the objectives of the Project. Specifically, Alternative 1 would not establish a financially viable sports-oriented educational retreat or provide visitor-serving accommodations, and would not redesign the golf course to include sustainability features such as more efficient irrigation and hybrid turf that reduces irrigation demands.

Facts Supporting Finding

All of the environmental impacts associated with the Project would be avoided or reduced under Alternative 1. However, all of the environmental benefits of the Project would likewise not be achieved. The Project would not result in any environmental impacts that would be significant following the implementation of feasible mitigation measures. As such, this alternative could not reduce any significant and unavoidable impacts, as none would occur under the Project as proposed.

Additionally, an economic feasibility study of the existing Malibu Golf Club in its existing condition (Alternative 1) concluded that based on operating losses incurred by the existing golf course with limited amenities, continued operation of the Malibu Golf Club is not economically feasible under its existing use as a golf course-only operation. As such, Alternative 1 would likely result in the loss of the recreational resource provided by the golf course.

6.3 ALTERNATIVE 2: RESIDENTIAL DEVELOPMENT**Description**

CEQA Guidelines Section 15126.6(e)(2) of the CEQA Guidelines specifies that the “No Project analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.” Therefore, Alternative 2 assumes that the site would be developed pursuant to the existing zoning and land use designations for the Project site, which would include development of the remaining lots in the 650-acre property with single-family homes, and retaining the existing golf course in its current layout.

Under Alternative 2, the County’s existing land use designations for the Project site would be built-out within the limitations of the site’s topographic and accessibility constraints. All other components of the existing Malibu Golf Club would remain unchanged and would continue to operate as a public golf course. Under this alternative, residential development consisting of 29 single-family residential estates would occur on individual parcels of the Project site surrounding the existing golf course, which would not be remodeled.

Finding

Alternative 2: Residential Development is rejected as infeasible because it fails to meet the majority of Project objectives and would not meet the Project’s underlying purpose to establish a financially viable sports-oriented educational retreat, which invigorates the local economy and provides educational, research and employment opportunities, and invigorates the local economy of unincorporated western Los Angeles County.

In addition, this alternative would not achieve the Project objective regarding protection of environmentally sensitive native plant and animal species by dedicating open space areas on the Project site, as development of the residential estates would occur largely in the portions of the site proposed to be dedicated as open space by the Project.

Facts Supporting Finding

Alternative 2 would not meet the Project’s underlying purpose to establish a financially viable sports-oriented educational retreat, which invigorates the local economy and provides educational, research and employment opportunities, and invigorates the local economy of unincorporated western Los Angeles County. Furthermore, Alternative 2 would not meet many of the objectives that support this underlying purpose, and would not meet the full range of objectives on other key issues.

Specifically, this alternative would not meet the following project objectives:

- Establish a financially viable sports-oriented educational retreat, which invigorates the local economy and provides educational, research and employment opportunities, and invigorates the local economy of unincorporated western Los Angeles County;
- Provide a comfortable, relaxing and inspiring environment in which educational institutions, governmental organizations, non-governmental organizations, business leaders and the public can conduct meetings and conferences;
- Provide visitor-serving overnight accommodations within individual bungalow units that would include common areas within each unit to provide a casual meeting space for discussion or study groups of Project guests that would be attending conferences or onsite functions together;
- Introduce a pattern of compatible land use that improves the social, environmental and economic well-being of guests and the public.
- Incorporate sustainable and green design features with the goal of achieving LEED™ Platinum certification (or equivalent) for all new buildings on the Project site;
- Protect environmentally sensitive native plant and animal species by dedicating open space areas on the Project site that contain sensitive and native habitat;
- Preserve and enhance the scenic beauty of the Santa Monica Mountains;
- Protect and expand access to open space recreational opportunities and resources, including incorporation of sustainable visitor-serving accommodations, which would be available for visitors of the Santa Monica Mountains National Recreation Area;
- Construct proposed site improvements within a clustered area to minimize off-site view impacts while locating visitor-serving facilities including overnight accommodations in a manner that maximizes guests' views of the remodeled golf course and natural areas of the Santa Monica Mountains and provides separation between bungalow structures as feasible within the development area;
- Provide an all-inclusive retreat destination in the Santa Monica Mountains with all visitor-serving components connected by a network of paths for pedestrian or electric cart use, so guests could access those Project features without the need for personal vehicle use;
- Design and construct a state-of-the-art 18-hole golf course using features and standards that will minimize impacts to the existing environment for sustainable coexistence between golf and nature;
- Eradicate non-native aquatic species in the man-made ponds onsite; and
- Improve water quality in the portion of Trancas Canyon Creek leaving the Project site.

Alternative 2 would, however, achieve the following objectives:

- Protect the unique cultural and social characteristics of the region's rural residential communities;
- Recognize and avoid natural hazards, and protect paleontological, archaeological and historic resources;
- Protect a unique public recreational resource of unincorporated western Los Angeles County consisting of an 18-hole golf course located within the Santa Monica Mountains and in the vicinity of the Santa Monica Mountains National Recreation Area.

Overall, Alternative 2 would not meet the Project's underlying purpose or the majority of Project objectives.

6.4 ALTERNATIVE 3: ORIGINAL MALIBU INSTITUTE PROJECT (2011)

Description

Alternative 3 would develop the Malibu Institute as proposed in 2011 with a total of 626,904 square feet of structures that would replace the existing Malibu Golf Club facilities. This alternative would include a 118,395-square foot Conference and Event Center, 58 guest bungalows (four bedrooms each) providing overnight accommodations, associated structures provided as guest amenities and for project maintenance, and a sub-grade parking structure. This alternative would reduce the area of the redesigned golf course by providing a configuration with 6 fairways on 40.5 acres. This course layout would require golfers to play through each fairway three times for an 18-hole equivalent round. By reducing the number of fairways, the golf course total acreage would be reduced, allowing for restoration of approximately 40 acres of the Trancas Canyon Creek headwaters including daylighting some culverted portions of the channel.

Finding

Alternative 3: Original Malibu Institute Project as proposed in 2011 is rejected as infeasible because it does not meet the full range of objectives on several key issues, particularly regarding the protection of recreational opportunities related to the public golf course. Although a golf course would be provided, the configuration of six fairways would slow play while each playing group waits for other groups to access the same fairway three separate times. The provision of only six fairways also would allow a maximum of six groups of golfers (up to four players) to tee off on the course at a given time rather than eighteen. Without consideration of the marketing challenges of attracting golfers to a 6-fairway course, by restricting the number of players the course could accommodate daily, this alternative would reduce the potential number of golfers that could access the course on a given day.

Facts Supporting Finding

Alternative 3 would not meet the Project's objectives related to ensuring that unincorporated western Los Angeles County would continue to be served by an 18-hole golf course located within the Santa Monica Mountains and in the vicinity of the Santa Monica Mountains National Recreation Area.

Specifically, this alternative would not meet or comparatively would be deficient at meeting the following Project objectives:

- Protect a unique public recreational resource of unincorporated western Los Angeles County consisting of an 18-hole golf course located within the Santa Monica Mountains and in the vicinity of the Santa Monica Mountains National Recreation Area; and
- Design and construct a state-of-the-art 18-hole golf course using features and standards that will minimize impacts to the existing environment for sustainable coexistence between golf and nature.

Alternative 3 would meet the following Project objectives:

- Establish a sports-oriented educational retreat, which invigorates the local economy and provides educational, research and employment opportunities, and invigorates the local economy of unincorporated western Los Angeles County;

- Provide a comfortable, relaxing and inspiring environment in which educational institutions, governmental organizations, non-governmental organizations, business leaders and the public can conduct meetings and conferences;
- Provide visitor-serving overnight accommodations within individual bungalow units that would include common areas within each unit to provide a casual meeting space for discussion or study groups of Project guests that would be attending conferences or onsite functions together;
- Introduce a pattern of land uses compatible with existing environmental resources and community character, while improving the social, environmental and economic well-being of overnight guests, visitors, and the community;
- Incorporate sustainable and green design features with the goal of achieving LEED™ Platinum certification (or equivalent) for all new buildings on the Project site;
- Protect environmentally sensitive native plant and animal species by dedicating open space areas on the Project site that contain sensitive and native habitat;
- Preserve and enhance the scenic beauty of the Santa Monica Mountains;
- Protect and expand access to open space recreational opportunities and resources, including incorporation of sustainable visitor-serving accommodations, which would be available for visitors of the Santa Monica Mountains National Recreation Area;
- Construct proposed site improvements within a clustered area to minimize off-site view impacts while locating visitor-serving facilities including overnight accommodations in a manner that maximizes guests' views of the remodeled golf course and natural areas of the Santa Monica Mountains and provides separation between bungalow structures as feasible within the development area;
- Provide an all-inclusive retreat destination in the Santa Monica Mountains with all visitor-serving components connected by a network of paths for pedestrian or electric cart use, so guests could access those Project features without the need for personal vehicle use;
- Recognize and avoid natural hazards, and protect paleontological, archaeological and historic resources;
- Protect the unique cultural and social characteristics of the region's rural residential communities;
- Eradicate non-native aquatic species in the man-made ponds onsite; and
- Improve water quality in the portion of Trancas Canyon Creek leaving the Project site.

While Alternative 3 would meet several of the Project's objectives, in the absence of providing a state-of-the-art 18-hole golf course, the operational objective to protect a unique public recreational resource of unincorporated western Los Angeles County consisting of an 18-hole golf course located within the Santa Monica Mountains and in the vicinity of the Santa Monica Mountains National Recreation Area would not be achieved.

6.5 ALTERNATIVE 4: REDUCED FOOTPRINT

Description

Alternative 4 proposes to develop the Malibu Institute with structures and facilities including overnight accommodations similar to the Project, but would modify the development footprint by eliminating six bungalow structures proposed to be located on the former helipad at the western edge of the development area. This alternative would retain the same number of bungalow units as the proposed Project by replacing six of the remaining single-unit bungalow structures with double-unit bungalow structures (Floor Plan B2). By eliminating the six westernmost proposed bungalows, this alternative would reduce the required area of fuel modification, and also would provide a greater distance between visitor

accommodations and sloped areas at the western development boundary. This alternative also would reduce the overall development by 1,500 square feet.

Finding

Alternative 4: Reduced Footprint would meet the Project objectives as they pertain to the Malibu Institute educational facilities and overnight accommodations, as well as the protection of recreational opportunities related to the public golf course. This Alternative would also reduce the required fuel modification area reducing biological resource impacts. However, the areas eliminated from fuel modification requirements would not be characterized as ESHA. Additionally, this alternative would increase the average height of structures on the site, which would increase aesthetic impacts from off-site views along Encinal Canyon Road, and would limit opportunities to provide guests with views of the Santa Monica Mountains and the remodeled golf course.

Facts Supporting Finding

By relocating the six westernmost proposed bungalows, this alternative would reduce the overall development by 1,500 square feet, and would marginally reduce the required area of fuel modification, and also would provide a greater distance between visitor accommodations and sloped areas at the western development boundary.

Alternative 4 would reduce the development footprint by eliminating six bungalow structures, but this alternative would retain the same number of bungalow units by replacing six of the remaining single-bungalow structures with double-unit structures. These double-unit structures would be 30-feet in height compared to 23-foot heights of the structures that would be eliminated as well as those that would be replaced. The portion of the project site that would be avoided by eliminating the westernmost bungalow structures is currently disturbed having been previously been graded as an emergency helicopter landing pad, as well as featuring an existing water tank that would remain under this alternative or the proposed Project. As such, this alternative would not preserve pristine habitat or natural vegetation areas visible from off-site viewpoints, and would increase the height/massing of structures on the eastern portion of the site that is nearer off-site viewpoints from Encinal Canyon Road. Mitigation measures to plant screening vegetation would reduce the aesthetic impacts of this alternative, as well as that of the proposed Project, to less than significant.

Alternative 4 would not meet the following Project objective:

- Construct proposed site improvements within a clustered area to minimize off-site view impacts while locating visitor-serving facilities including overnight accommodations in a manner that maximizes guests' views of the remodeled golf course and natural areas of the Santa Monica Mountains and provides separation between bungalow structures as feasible within the development area.

SECTION 7.0 OTHER CEQA CONSIDERATIONS

GROWTH-INDUCING IMPACTS

Pursuant to CEQA Guidelines Sections 15126(d) and 15126.2(d), Section 8.0 of the Draft EIR examined the potential growth inducing impacts of the Project.

The Project's visitor-serving overnight accommodations consist of 40 bungalow structures that would accommodate a total of 320 guests. These facilities provide temporary housing and thus would not cause a permanent increase in the local population or induce substantial direct population growth, as the Project would not provide additional access to infrastructure that does not already exist. Therefore, implementation of the Project would not induce substantial direct population growth in the area. The movement of visitors and employees (including construction workers) to the Project site are not expected to substantially indirectly induce population, economic, or housing growth in the area, as the Project would not permanently increase the area's population and the proposed total employees would total 150 at its maximum, and these individuals would likely already reside and commute within the southern California region. As such, the potential of the Project to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment would not be significant.

The Project would be located among already built or previously disturbed areas of the Project site. Implementation of the Project would result in minimal improvements to existing infrastructure, such as the implementation of an Onsite Wastewater Recycling System that would treat wastewater to a standard suitable for unrestricted, non-potable reuse onsite as landscape and golf course irrigation. All improvements would serve only the Project site. As such, the Project would not include the extension of existing public roads or the construction of new public roads. In addition, the Project would not require the installation of new water mains or water mains with increased capacity that could facilitate further growth within the vicinity of the Project site. No service/utility service connections would be provided to other off-site uses and the service/utility connections would be sized to serve only the proposed land uses on the Project site. Therefore, implementation of the Project would not result in the removal of any impediments to growth in the area.

The Project would not require the construction of new community facilities, as existing public facilities (landfills, water supply and conveyance, electrical supply and transmission) are adequate to serve the Project. Wastewater treatment would be provided onsite by construction of an Onsite Wastewater Recycling System that would exclusively serve the needs of the Project. The Los Angeles County Sheriff's Department (LACSD) and Los Angeles County Fire Department (LACFD) indicate they can serve the Project without expanding their current service capacity. The Project would offer visitors recreational amenities (e.g. redesigned golf course, clubhouse with fitness and spa facilities, swimming pool), which would reduce the necessity for them to seek similar amenities off-site, thus reducing the Project's demands on local parks and public recreational facilities. As such, the Project would not tax existing community serving facilities, requiring construction of new facilities that could cause significant environmental effects.

Implementation of the Project would require a variety of agency discretionary and ministerial actions including, but not limited to, the County's issuance of conditional use and building permits and the Coastal Commission's issuance of a coastal development permit. However, these actions are not considered to be precedent setting, because they do not represent an innovation or an action that is

uncommon. Approval of the Project is not anticipated to set a precedent that would cause the County or the Coastal Commission to approve similar proposals in the future that may potentially result in indirect growth. As such, there are no attributes of the proposed Project that may encourage and facilitate other activities that would significantly affect the environment, either individually or cumulatively.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(c) requires an EIR discuss significant irreversible environmental changes associated with a proposed project, including the following:

- uses of nonrenewable resources during the initial and continued phases of the project, which would be irreversible because a large commitment of such resources makes removal or non-use thereafter unlikely;
- primary impacts and, particularly, secondary impacts which commit future generations to similar uses; and
- irreversible damage, which may result from environmental accidents, associated with the project.

Development of the Project would result in the incremental use and depletion of renewable and non-renewable resources during construction and operation, including building materials (e.g., wood and metal) and fossil fuels (e.g., gasoline, diesel fuel, and natural gas). As a key construction-phase sustainability strategy, the Project would reuse as much of the existing clubhouse facility as feasible to minimize disposal of demolition and construction debris and reduce associated energy use and air quality impacts. Once operational, the Project would require the consumption of natural resources as well as renewable and non-renewable materials such as electricity, natural gas, potable water, and fossil fuels for building systems, such as heating, air conditioning, and lighting. To conserve natural resources and renewable and non-renewable materials, buildings and accommodations would incorporate sustainability strategies and green design features with the goal of achieving LEED™ Platinum certification (or equivalent) for all buildings on the Project site. Sustainable design features include: green roofs on several Project buildings, color and shade structures to reduce the heat island effect, charging stations for electric vehicles, the use of highly efficient geothermal HVAC equipment, the removal of 1,590 non-native trees and provision of native, drought-tolerant landscaping, the replacement of over 185,000 square feet of existing non-pervious parking lots and cart paths with pervious material, and a shuttle van service for individuals or groups of overnight guests.

To reduce electricity demand, the Project would place photovoltaic panels over shade structures in the parking area and on some proposed rooftops to generate most of the energy needs for the Project. Once operational, the Project would incorporate a recycling program and compost green waste for the ongoing reduction of resource consumption. Potable water conservation features include low flow/ultra low-flow fixtures, energy star appliances, and replacement of multiple septic tanks with an Onsite Wastewater Recycling System with effluent meeting Title 22 standards for reuse as irrigation to augment water from existing onsite private wells for the remodeled golf course and landscaping as discussed in Section 5.14, Utilities. In addition, the Project would comply with all applicable County ordinances requiring green building, and drought-tolerant landscaping. As such, given the Project's commitment to energy efficiency, the commitment of these resources to construction and operation of the Project is not considered significant. Nevertheless, mitigation measures have been included in this DEIR to reduce and minimize project-specific and cumulative impacts to less than significant levels.

Project construction and operation would be committed to the use of slowly renewable and nonrenewable resources and would limit the availability of these resources and the Project's building site for future generations or for other uses during the life of the Project. However, the continued use of such resources would be on a relatively small scale.

The Project proposes no uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would affect other areas. As a result, the Project would not result in significant irreversible changes to the environment.

SECTION 8.0

MITIGATION MONITORING AND REPORTING PROGRAM

The Draft EIR identified recommended mitigation measures where appropriate to avoid or to mitigate potential impacts to the environment to a level that would be less than significant. Pursuant to Section 21081.6 of the Public Resources Code, the Commission, in adopting these Findings, also adopts the Mitigation Monitoring and Reporting Program (“MMRP”) for the Malibu Institute Project. This MMRP is designed to monitor implementation of the mitigation measures required for the Project.

The Project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide certification, as required, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The County’s existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMRP procedures and will also serve to provide the documentation for the reporting program.

The Commission hereby finds that the Mitigation Monitoring and Reporting Program, which is incorporated herein by reference and provided as Attachment A to these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of Project conditions intended to mitigate potential environmental effects of the Project.

SECTION 9.0

CEQA GUIDELINES SECTIONS 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the Commission has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

SECTION 10.0
CEQA GUIDELINES SECTION 15084(D)(3) FINDINGS

The County has relied on Section 15084(d)(3) of the CEQA Guidelines, which allows acceptance of working drafts prepared by the applicant, a consultant retained by the applicant, or any other person. The County has relied on the technical expertise of its staff where appropriate in evaluating the Project, and has reviewed, evaluated, and revised as necessary the submitted drafts to reflect the County's own independent judgment.

SECTION 11.0
CEQA SECTION 21082.1(C) FINDINGS

Pursuant to Public Resources Code Section 21082.1(c), the Commission hereby finds the County has independently reviewed and analyzed the Final EIR, including all documents, studies, and other materials contained therein, and that the Final EIR reflects the independent judgment of the County.

SECTION 12.0 NATURE OF FINDINGS

The County finds and declares that substantial evidence for each and every finding made herein is contained in the EIR or is in the record of proceedings in the matter.

SECTION 13.0 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the Malibu Institute Project. The findings and determinations constitute the independent findings and determinations of this Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 14.0

RELATIONSHIP OF FINDINGS TO EIR

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.

SECTION 15.0 CUSTODIAN OF RECORDS

The custodian of the documents or other material which constitute the record of proceedings on which these findings based is the Los Angeles County Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.

SECTION 16.0

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed environmental effects that will occur as a result of implementation of the proposed Malibu Institute Project. With implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to levels considered less than significant for all issues analyzed, as described above in Section 5.0 of this document. As such, for approval of this Project, the Commission is not required to adopt a Statement of Overriding Considerations.